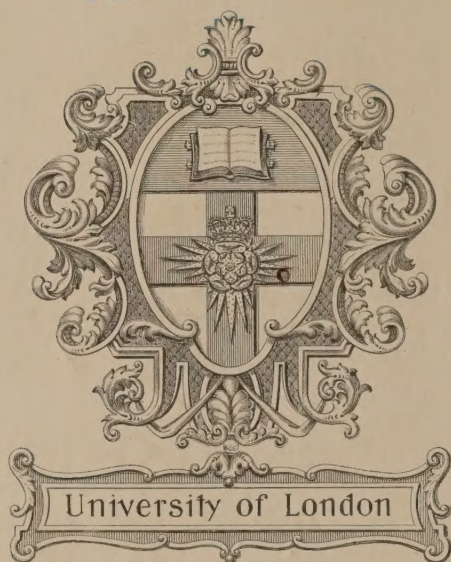


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606326

B I L L S,

PUBLIC:

SIX VOLUMES.

— (2.) —

ELEMENTARY EDUCATION ACT (1870) AMENDMENT

TO

KINGSHOLM DISTRICT BOUNDARY.

Session

9 *February* — 21 *August* 1871.

VOL. II.

1871.

B I L L S :

1871.

SIX VOLUMES:—CONTENTS OF THE

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A

B I L L

TO

Repeal the Cumulative Voting Sections of the Elementary Education Act, 1870. A.D. 1871.

WHEREAS it is expedient that the powers given by the twenty-ninth section of the Elementary Education Act, 1870, to cumulate votes on one or more candidates should cease :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That this Act may be cited as the Cumulative Voting in Short title.
Elementary Education Act, 1870, Repeal Act.

10 2. The words "and may give all such votes to one candidate, Repeal of
" or may distribute them among the candidates as he thinks fit," part of 29th
in the twenty-ninth section of the Elementary Education Act, 1870, section of
are hereby repealed. 33 & 34 Vict.
c. 75.

3. In any future election of a School Board every voter may vote
15 for as many candidates as he thinks fit, not exceeding the number
of members of the School Board to be elected, but in no case shall
he give more than one vote to any candidate. Voter may
vote for
number to
be elected,
but not to
give more
than one
vote to any
candidate.

Elementary Education Act (1870) Amendment.

A

B I L L

To repeal the Cumulative Voting Sections of the Elementary Education Act, 1870.

(Prepared and brought in by
Mr. Dixon, Mr. Bailey Potter, Mr. Jacob Bright,
and Mr. Muntz.)

Ordered, by The House of Commons, to be Printed,
7 March 1871.

[Bill 67.]

Under 1 oz.

A

B I L L

TO

Amend the Elementary Education Act, 1870, so far as regards A.D. 1871.
the raising of money in Municipal Boroughs. —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

- 5 1. Where the council of any borough, at a meeting specially convened for the purpose, resolve by a majority, composed of not less than one half of the whole number of the members of the council, that it is expedient that the deficiency in the school fund should not be raised out of the borough fund or borough rate, and a notice under the
- 10 common seal of the borough of the passing of such resolution is served on the school board for such borough, in that case, after the expiration of one month from the time of such service, the school board shall not send any precept for the payment of money to the council of such borough as the rating authority, but shall raise any
- 15 money payable out of the local rate in the like manner as if the school board were the rating authority; and for this purpose the school board shall have all the powers of the council of such borough of assessing, levying, and collecting the local rate, and any contribution thereto; and all enactments relating to the local rate, and the
- 20 assessing, levying, raising, and collecting thereof, shall apply accordingly as if the school board were therein substituted for the council.

Resolution by council that deficiency of school fund be raised by school board distinctly from borough rate.

2. The council may at any time rescind any such resolution as above mentioned by a resolution passed in like manner, and by
- 25 service in like manner of a notice of such resolution, and after the expiration of one month from the date of such service the school board shall raise any money payable out of the local rate in like manner as if the rescinded resolution had not been passed.

Council may rescind any such resolution.

- No proceeding under this section shall affect any proceeding
- 30 taken or precept served before the expiration of the month after the [Bill 228.]

2 *Elementary Education Act (1870) Amendment* [34 & 35 VICT.]
(No. 2.)

A.D. 1871. service of the notice, or affect any remedy or proceeding in respect
— thereof, or of any sum mentioned therein.

Construction of Act, and short title.
33 & 34 Vict. c. 74.

3. This Act shall be construed as one with the Elementary Education Act, 1870, (in this Act referred to as the principal Act,) and that Act and this Act may be cited together as the Elementary Education Acts, 1870 and 1871, and this Act may be cited as the Elementary Education Act (Rating) Act, 1871.

Elementary Education
Act (1870) Amendment
(No. 2.)

A

B I L L

To amend the Elementary Education
Act, 1870, so far as regards the raising
of money in Municipal Boroughs.

(Prepared and brought in by
*Sir Thomas Bazley, Viscount Sandon, Mr. Dixon,
and Mr. Carter.*)

*Ordered, by The House of Commons, to be Printed,
5 July 1871.*

[Bill 228.]
Under 1 oz.

A

B I L L

TO

Amend Paragraph Three of the Second Schedule of the Elementary Education Act, 1870. A.D. 1871.

WHEREAS by paragraph three of the second Schedule of the Elementary Education Act, 1870, it is provided as follows: 33 & 34 Vict. c. 75.

“ An order made by the Education Department under the power
“ contained in this part of this Schedule shall, as regards any elec-
5 “ tion held before, the first day of September one thousand eight
“ hundred and seventy-one, be deemed to be within the powers of
“ this Schedule, and to have been duly made and have effect as if
“ it were enacted in this Schedule, but shall not be of any force as
“ regards any election after the said date unless it has been con-
10 “ firmed by Parliament.”

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

15 1. The words “ one thousand eight hundred and seventy-two ” shall be substituted for the words “ one thousand eight hundred and seventy-one ” in the recited part of the second Schedule of the Elementary Education Act, 1870. Alteration of date in 33 & 34 Vict. c. 75. sch. 2.

20 Provided that the Education Department may by any such order direct any poll to be taken in like manner as any poll at a municipal election may be taken in pursuance of any Act passed during the present session of Parliament.

2. This Act may be cited as “ The Elementary Education (Elections) Act, 1871.” Short title.

Elementary Education
Act (1870) Amendment
(No. 3).

A

B I L L

To amend Paragraph Three of the
Second Schedule of the Elementary
Education Act, 1870.

(Prepared and brought in by
Mr. William Edward Forster and
Mr. Winterbotham.)

Ordered, by The House of Commons, to be Printed
4 August 1871.

[Bill 286.]

Under 1 oz.

A

B I L L

TO

Continue and amend the provisions of the Act of the thirty-
second and thirty-third years of Victoria, chapter thirty-nine,
intituled "An Act to make provision for the better govern-
ment and administration of Hospitals and other endowed
Institutions in Scotland."

A.D. 1871.

WHEREAS, an Act was passed in the thirty-third year of the
reign of Her Majesty, chapter thirty-nine, intituled, "An
Act to make provision for the better government and adminis-
tration of Hospitals and other endowed Institutions :"

5 And whereas the said Act will expire and cease to be in force on
the thirty-first day of December next, unless the same shall be con-
tinued by Parliament :

And whereas it is expedient that the said Act should be continued
in force for a further period of three years, with certain alterations
10 and amendments of the provisions thereof which experience has
shown to be proper :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
15 by the authority of the same, as follows :

1. In this Act—

The term "Education Department" means "the Lords of the
Committee of the Privy Council on Education," and in case a
committee of the Privy Council shall be appointed by Her
20 Majesty on education in Scotland, the said term "Education
Department" shall mean the lords of such committee.

Education
Department.

2. The said recited Act shall be continued in force for *three*
years from and after the said thirty-first day of December one
thousand eight hundred and seventy-one, subject to the following
25 provisions, which shall have effect from and after the passing of this
Act; viz.,—

Continuation
of Act.

[Bill 248.]

A.D. 1871.

—
 Petitions for
 provisional
 orders to be
 presented to
 the Education
 Department
 instead of
 Secretary of
 State.

Petitions to
 be referred
 to Commis-
 sioners.

Provisional
 Orders to
 have effect
 according to
 their terms.

Expenses of
 inquiry.

1. That from and after the passing of this Act, petitions for provisional orders shall be made to and shall be considered and disposed of by the Education Department, instead of the Secretary of State, and that all the powers and authorities by the said Act conferred on the Secretary of State shall 5 be possessed and may be exercised by the Education Department :
2. The said department may refer any petition for a provisional order to commissioners in Scotland, not exceeding three in number, to be named and appointed by them, to inquire and 10 report to the said department on the merits of such petition ; and the commissioners to whom any such petition is so referred shall have all the powers and authorities which are by the said Act conferred on sheriffs of counties acting under a reference by the Secretary of State : 15
3. When a provisional order granted and issued by the said department has, on the application of the petitioners therefor, been laid before both Houses of Parliament, and has lain before Parliament for the period specified in said Act, without any address with respect thereto being presented to Her 20 Majesty by either House, it shall be no objection thereto that it sanctions a departure from the trusts by which the hospital or endowed institution to which it refers was theretofore governed, or the consolidation of two or more trusts, or a change in the managing body, but every such pro- 25 visional order shall have effect according to its terms :
4. All expenses under the said Act and this Act shall be defrayed out of the funds of the hospital or endowed institution in relation to which such expenses were incurred, the amount of such expenses, in case of dispute, being certified by the 30 Secretary of the Education Department ; and the remuneration of the commissioners to whom any petition for a provisional order has been referred shall be fixed by the said department.

Endowed Hospitals (Scotland).

A

B I L L

To continue and amend the provisions of the Act of the thirty-second and thirty-third years of Victoria, chapter thirty-nine, intituled "An Act to make provision for the better government and administration of Hospitals and other endowed Institutions in Scotland."

(Prepared and brought in by
The Lord Advocate and Mr. Adams.)

*Ordered, by The House of Commons, to be Printed,
18 July 1871.*

[Bill 248.]

Under 1 oz.

Endowed Schools (1869) Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Amendment of section fourteen of the principal Act.
 2. Repeal of section nineteen of the principal Act.
 3. Construction of Act.
 4. Short title.
-

A
B I L L

TO

Amend the Endowed Schools Act, 1869.

A.D. 1871.

WHEREAS by the fourteenth section of the Endowed Schools Act, 1869, schemes interfering with endowments given less than fifty years before the commencement of the said Act, or with the constitution of the governing bodies of certain schools, or with
5 certain exhibitions, cannot be made unless with such assent of governing or other bodies as is therein mentioned :

And whereas by the nineteenth section of the said Act schemes relating to certain schools and educational endowments are excepted from the general provisions of the said Act as to religious in-
10 struction and worship, and as to the religious qualification of masters :

And whereas it is expedient that the said Act should be amended as herein-after mentioned :

Be it enacted by the Queen's most Excellent Majesty, by and
15 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The fourteenth section of the Endowed Schools Act, 1869, (which Act is herein-after in this Act referred to as “the principal Act,”) shall be repealed, and instead thereof the provisions
20 following shall be enacted ; (that is to say,) Amendment of section fourteen of principal Act.

(1.) Nothing in the principal Act shall authorise the making of any scheme interfering with any endowment, or part of an endowment, (as the case may be,) originally given to
25 charitable uses, or to such uses as are referred to in the principal Act, less than *fifty* years before the making of such scheme, unless the governing body of [such endowment assent to the scheme :

(2.) Words and expressions in the principal Act referring to endowments or parts of endowments given to charitable
30 uses more than fifty years or less than fifty years before

[Bill 55.]

A

A.D. 1871.

the commencement or passing of the principal Act shall be read as if they referred respectively to endowments or parts of endowments so given more than *fifty* years or less than *fifty* years (as the case may be) before the making of schemes relating to such endowments or part of 5 endowments :

- (3.) The provisions of the thirty-second section of the principal Act with reference to the preparation of schemes by governing bodies of endowments shall apply in the case of endowments for which schemes are by this section 10 authorised to be made; and for the purposes of this section of this Act the said section of the principal Act shall be read as if words therein contained referring to the commencement of the principal Act referred to the com- 15 mencement of this Act :
- (4.) For the purposes of this section, the time of making a scheme shall be deemed to mean the time of the first publication of a draft of such scheme by the Com- missioners.

Repeal of
section nine-
teen of the
principal
Act.

2. The nineteenth section of the principal Act shall be repealed. 20
- A scheme which has before the passing of this Act been approved by Her Majesty in Council shall not be affected by this Act, but in the case of every such scheme in which the Commissioners have by reason of the exceptions in the said section contained omitted to make any of the provisions referred to in the said exceptions 25 an amending scheme shall be framed for the purpose of making the like provisions in such scheme as would have been made if such scheme had been framed after the *passing of this Act*.

Construction
of Act.
Short title.

3. This Act shall be construed as one with the principal Act.
4. This Act may be cited as "The Endowed Schools Tests 30 Abolition Act, 1871."

Endowed Schools Act (1869) Amendment.

A

B I L L

To amend the Endowed Schools Act,
1869.

(Prepared and brought in by
Sir John Lubbock, Lord Edmund Fitzmaurice,
Mr. Thomas Hughes, and Mr. Rathbone.)

*Ordered, by The House of Commons, to be Printed,
23 February 1871.*

[Bill 55.]

Under 1 oz.

A

B I L L

TO

Amend the Act twelfth and thirteenth Victoria, chapter eighty-one; and to extend the provisions of that Act and The Metropolitan Commons Act, 1866, so far as regards that part of Waltham Forest known as Epping Forest. A.D. 1871.

WHEREAS in the month of February 1870 the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled presented an humble address to Her Majesty, praying that she would take such measures as in her judgment she might deem most expedient in order that Epping Forest might be preserved as an open space for the recreation and enjoyment of the public :

And whereas Her Majesty was graciously pleased to reply to the said address, and, after expressing her concurrence with the said Commons in the desire that open spaces in the neighbourhood of the Metropolis might, as far as possible, be preserved for the enjoyment of her people, to promise that she would carefully consider how effect might be given to the prayer of the said address :

And whereas by an Act of the session holden in the twelfth and thirteenth years of Her present Majesty, and intituled “ An Act to authorize Her Majesty to issue a commission to inquire into and report upon rights or claims over the New Forest in the county of Southampton and Waltham Forest in the county of Essex,” Her Majesty was authorized to appoint Commissioners to inquire into and ascertain the boundaries of the said forests called the New Forest and Waltham Forest respectively, and of the lands of Her Majesty’s subjects within the same, and to inquire of any purprestures, encroachments, or trespasses on the soil of Her Majesty within the said forests respectively, and by whom and when made, and how occupied, and whether any and what unlawful inclosures had been made and were then continued within the regard of the said forests respectively, whereby the forestal rights and interests of Her Majesty had been in any and what respect diminished, abridged, or otherwise prejudiced, and whether any and what lands lying within the bounds of the said forests respectively were quit and free

[Bill 224.]

A

A.D. 1871. of the regard thereof respectively, or within and subject to the
 ——— regard thereof, or subject to any and what forestal or other rights
 of Her Majesty ; and also to inquire whether any and what person
 or persons claimed any and what rights of common, of pasture, fuel,
 turbary, fern, or other rights or interests in, upon, or over the said 5
 forests, and whether in respect of any and what particular lands or
 otherwise such rights or interests were claimed, and how and by
 whom such rights or claims had hitherto been exercised or enjoyed ;
 and also to inquire whether Her Majesty was entitled to any and
 what rents or other payments or acknowledgements for or in respect 10
 of any such rights or claims, and also to inquire into the origin,
 nature, extent, and particulars, and probable value of the claims of
 Her Majesty's subjects in, to, upon, or over the said forests
 respectively, and to receive and deliberate upon any offers or pro- 15
 posals which might be made for commuting, surrendering, or extin-
 guishing all or any of such claims ; and to inquire into the nature,
 constitution, powers, jurisdiction, and practice of any forest court
 theretofore held within the said forests respectively, and the suf-
 ficiency or insufficiency thereof for the purposes for which such 20
 courts were constituted, and as to the expediency of re-modelling or
 abolishing the said courts, and as to the expediency of creating and
 forming any extra-parochial portions of the said forests respectively
 into one or more parish or parishes, or adding the same to any
 existing parish or parishes, and generally to carry on and prosecute
 such other inquiries as should in the judgment of the said commis- 25
 sioner or commissioners tend to enable them to make reports upon
 the premises as therein-after directed ; and the said commissioner
 or commissioners so to be appointed as aforesaid were thereby em-
 powered, as regarded his or their inquiries in relation to Waltham
 Forest, to sit at such convenient time and place within the county 30
 of Essex as he or they should appoint, and then and there, by the
 testimony of witnesses upon oath or solemn affirmation (which oath
 or affirmation any one of the said commissioners was thereby autho-
 rized and empowered to administer), and by the inspection and
 examination of records, deeds, muniments, and writings, or by any 35
 legal proof or evidence, to carry on and prosecute the inquiries
 aforesaid, and such other inquiries as should enable the said com-
 missioners from time to time to report touching the premises :

And whereas by the Metropolitan Commons Act, 1866, the
 Inclosure Commissioners for England and Wales are authorised 40
 to make schemes for the establishment of local management, with a
 view to the expenditure of money on the drainage, levelling, and
 improvement of metropolitan commons :

And whereas it is expedient that inquiry should be made under the authority of Parliament as to the best mode of carrying into effect the objects of the said address in relation to that part of the Forest of Waltham known as Epping Forest : A.D. 1871.

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Epping Forest Act, 1871. Short title.

10 2. The following persons, that is to say, A, B, and C, are constituted Commissioners under this Act ; they shall hold their offices during Her Majesty's pleasure, and if any vacancy occurs in the office of any Commissioner by reason of death, resignation, incapacity, or otherwise, Her Majesty's
15 Commissioners of Works and Public Buildings may, by writing, appoint some other fit person to fill the vacancy. Appoint-
ment of
Commis-
sioners.

The Commissioners appointed under this Act shall be styled "The Epping Forest Commissioners," and shall be a body corporate, with a common seal.

20 3. The said Commissioners, herein-after referred to as "the Commissioners," may, subject to the approval of Her Majesty's Commissioners of Works and Public Buildings, from time to time appoint a clerk and such other officers as they may deem necessary for the purposes of this Act, and employ such surveyors, valuers, and other
25 persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act, and may remove from time to time any person so appointed. Appoint-
ment of
officers.

4. Any power or act by this Act vested in or authorised to be done by the Commissioners may be exercised or done by any one of
30 them, with this qualification, that any person affected by any decision of one Commissioner may require his case to be heard by the three Commissioners. Quorum of
Commis-
sioners.

5. *There shall be paid or allowed to every Commissioner appointed under this Act, and to any clerk, surveyor, valuer, or other person
35 as aforesaid employed by the Commissioners, such remuneration as the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, may think expedient.* Salaries and
expenses.

6. The Commissioners shall make and prosecute in relation to that part of the forest of Waltham known as Epping Forest all such
40 inquiries as were directed or authorised to be made by the Commissioners to be appointed under the said Act of the twelfth and thirteenth years of Her present Majesty in relation to the whole Inquiries to
be made
by Commis-
sioners.

A.D. 1871. forest of Waltham, and for that purpose shall hold such meetings and in such manner as were directed or authorised to be held by the said Act, and shall have and may exercise all the powers and authorities of Commissioners appointed under the said Act; and the said Act of the twelfth and thirteenth years of Her present Majesty shall be deemed to be incorporated with and to form part of this Act. 5

Access to
public maps
and docu-
ments.

7. Maps and documents in the custody of the Tithe Commissioners for England and Wales, and all other public maps and documents relating to Epping Forest, shall be open to the use and inspection of the Commissioners or of any person by them authorised, and they may make or cause to be made such copies thereof or extracts therefrom as they think fit. 10

Power to
summon and
examine
witnesses
and inspect
documents.

8. The Commissioners may, by summons under the seal of the Commission, require the attendance before them, either in the Metropolis or at any meeting held in or near Epping Forest, of any person whose evidence they may deem requisite for the purposes of this Act; they may, by like summons and for the like purposes, require any person to bring before them for their inspection all books, papers, and writings in his possession, custody, or control relating to any matter to be inquired into by them, permitting nevertheless such person to seal up previously to the said inspection such part of the said books, papers, or writings as according to an affidavit to be made by him do not relate to the matters to be inquired into under this Act; they may also, by like summons and for the like purposes, require the production for their inspection of any court rolls, rate books, instruments of tithe apportionment, and other public writings relating to Epping Forest, and of any maps, plans, or surveys belonging to any parish in which any part of Epping Forest is situate; they may make or cause to be made copies of or extracts from any books, maps, or documents produced to them; they may examine upon oath any person appearing before them, and administer an oath accordingly; and they shall pay or allow to any person summoned by them the reasonable charges of his attendance. 15 20 25 30

Penalty for
non-atten-
dance or
refusal to
answer
questions.

9. If any person after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such books, maps, or other documents as he may be required to produce under the provisions in this Act contained, or to answer upon oath or otherwise such questions as may be put to him by the Commissioners under the powers of this Act, the Commissioners may in their discretion either impose on him a penalty not exceeding *twenty pounds* (to be recovered on summary conviction), or report his name to one of Her 35 40

A.D. 1871.

Majesty's superior courts at Westminster, and such court may thereupon, if it think fit, punish such person in the same manner as if he had been guilty of a contempt of court: Provided that no person shall be required to attend in obedience to any summons unless the reasonable charges of his attendance be paid or tendered to him.

10. The reasonable expenses incurred by any person summoned by the Commissioners under this Act, according to a scale to be approved by the Treasury, may be allowed and paid to such person upon a certificate under the hands of the Commissioners, and shall be deemed to be expenses incurred by the Commissioners in the execution of their commission.

Expenses of witnesses, &c.

11. Having made such inquiries as aforesaid, the Commissioners shall prepare and settle a scheme for the disafforesting of Epping Forest, and for the preservation and management of the waste lands of Epping Forest. The Commissioners shall, for the purpose of preparing and settling such scheme, have the same powers and authorities, and the scheme shall be prepared, settled, certified, and published in the same way, and shall contain the same particulars as if the said waste lands were a metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or any Act passed or to be passed amending the same, and the Commissioners were the Inclosure Commissioners of England and Wales acting under the said Act, and all the provisions of the said Acts with respect to any scheme to be made thereunder shall, so far as they are not inconsistent with or superseded by the provisions of this Act, apply to the scheme to be made under this Act, except that the presentation of a memorial shall not be a necessary preliminary to the preparation of such scheme, and that the Commissioners shall execute in person the matters by the said Acts authorised to be referred by them to an assistant commissioner.

Commissioners to prepare and settle a scheme.

The Commissioners shall in the said scheme suggest in what way the expenses of providing compensation to the persons whose rights are affected thereby, the expenses of managing the said waste lands, and the other expenses incidental to the said scheme shall be defrayed.

The Commissioners may, if they think it expedient so to do, make one or more separate scheme or schemes in relation to the said waste lands, or any part or parts thereof, instead of including the whole in a general scheme.

12. The Commissioners may at any time, and from time to time, make any preliminary or special report to Her Majesty on any part

Power for Commissioners to

A.D. 1871. of the matters referred to them, and may in particular report any special arrangements with landowners or others as to their rights which the Commissioners may recommend as expedient in furtherance of the objects of the said scheme.

make preliminary and special reports.
Final report of Commissioners.

13. The Commissioners shall, within two years from their appointment, make a final report to Her Majesty, stating the mode in which they have performed their duties under this Act, and setting forth in full the said scheme, and stating the grounds of their approval thereof, and the objections, if any, made thereto and overruled, and all proceedings had in respect of those objections, and the grounds on which they were overruled. 5 10

Such report shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting, and if not then within fourteen days after the next meeting of Parliament. 15

Notices, claims, &c.

14. Notices in respect of the service of which special directions are not given by this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would have been delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office. 20

Where any notice is required to be given by the Commissioners it shall be sufficiently executed if signed by their clerk, and every notice purporting to be so signed shall be receivable in evidence without any further proof of execution. 25

The Commissioners shall circulate such information as they may think expedient respecting the times and mode of making claims and objections under this Act.

Power of local authority to purchase rights of common over waste lands.

15. The local authority for any waste lands of Epping Forest may purchase, out of the local rate, any right of common over such lands, and hold such right of common in gross, with a view the more effectually to bring forward, or assist in bringing forward, an efficient scheme for the maintenance or improvement of such waste lands. 30 35

The local authority for the waste lands of Epping Forest means the same persons who would be the local authority in pursuance of the Metropolitan Commons Act, 1866, if the said waste lands were a metropolitan common; and the local rate means the rate prescribed in connection with such authority in the schedule to the said last-mentioned Act. 40

16. In this Act the expression “waste lands of Epping Forest” shall mean all lands situate within the boundaries of Epping Forest, as ascertained by the Commissioners, which have not been lawfully inclosed, or over which the Crown is entitled to exercise forestal
5 rights.

A.D. 1871.
Definition.

Epping Forest.

A

B I L L

To amend the Act twelfth and thirteenth Victoria, chapter eighty-one; and to extend the provisions of that Act and The Metropolitan Commons Act, 1866, so far as regards that part of Waltham Forest known as Epping Forest.

(*Prepared and brought in by
Mr. Ayrton and Mr. William Henry Gladstone.*)

*Ordered, by The House of Commons, to be Printed,
4 July 1871.*

[Bill 224.]

Under 1 α.

A
B I L L

FOR

Re-vesting in Her Majesty, her heirs and successors, the Rectory of Newelme alias Ewelme, in the county of Oxford. A.D. 1871.

WHEREAS King James the First, by letters patent, granted his advowson of the rectory of Newelme alias Ewelme, in the county of Oxford, for the benefit of the Regius Professor of Divinity in the University of Oxford, and by a subsequent Act of the tenth
 5 year of the reign of Queen Anne, chapter forty-five, intituled “An
 “ Act for confirming and rendring more effectual certain letters
 “ patents of King James the First, for annexing a canonry
 “ and several rectories to the Regius Professor of Divinity in the
 “ University of Oxford, and to the Regius Professor and Lady
 10 “ Margaret’s Reader of Divinity in the University of Cambridge,”
 such grant was further carried into effect, and the said advowson was annexed to the office of Regius Professor of Divinity in the said university:

10 Ann.
 c. 45. (in the
 Record edi-
 tion), [c. 12.
 in the
 ordinary
 editions].

And whereas it is expedient to re-vest in Her Majesty, her heirs
 15 and successors, the said advowson :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

20 1. After the passing of this Act the advowson of the rectory of Newelme alias Ewelme, in the county of Oxford, shall cease to be annexed to the office of Regius Professor of Divinity in the University of Oxford, and shall re-vest in Her Majesty, her heirs and successors, who shall be entitled to present to the said rectory
 25 in the same manner in all respects as if the said advowson had always continued vested in the Crown, and had not been annexed to the said office.

Provided that no person shall be presented to the said rectory who would not be eligible for being appointed to the said office
 40 of Regius Professor.

[Bill 96.]

A.D. 1871. 2. This Act may be cited as The Rectory of Ewelme Act,
Short title. 1871.

Ewelme Rectory.

A

B I L L

For re-vesting in Her Majesty, her heirs and successors, the Rectory of Newelme alias Ewelme, in the county of Oxford.

(*Prepared and brought in by
Mr. Gladstone and the Solicitor-General.*)

*Ordered, by The House of Commons, to be Printed,
30 March 1871.*

[Bill 96.]

Under 1 c.

A
B I L L

TO

Continue various expiring Laws.

A.D. 1871.

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire at the times specified in respect thereof in column four of the said schedule :

5 And whereas it is expedient to continue such Acts, to the extent specified in column two of the said schedule and the Acts amending the same, in so far as they are temporary in their duration, for the times mentioned respectively in column five of the said schedule :

10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Expiring Laws Continuance Act, 1871. Short title.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the times respectively specified in column five of the said schedule, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner. Continuance of Acts in schedule.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manu- factures (Ire- land).	The whole Act -	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	13th August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	13th August 1872, and end of then next session. 5 10
(2) 2 & 3 Vict. c. 74. - Societies, unlaw- ful (Ireland).	The whole Act -	11 & 12 Vict. c. 89.	7th July 1871, and end of then next session. (33 & 34 Vict. c. 103.)	7th July 1872, and end of then next session. 15
(3) 3 & 4 Vict. c. 89. - Poor Rates, Stock in Trade Ex- emption.	The whole Act -	- - -	1st October 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st October 1872, and end of then next session. 20
(4) 4 & 5 Vict. c. 30. - Survey of Great Britain.	The whole Act -	33 & 34 Vict. c. 13.	31st December 1871, and end of then next session. (33 & 34 Vict. c. 103.)	31st December 1872, and end of then next session. 25
(5) 4 & 5 Vict. c. 59. - Application of Highway Rates to Turnpike Roads.	The whole Act -	- - -	1st October 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st October 1872, and end of then next session. 30
(6) 5 & 6 Vict. c. 123. Lunatic Asylums (Ireland).	The whole Act -	- - -	1st August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st August 1872, and end of then next session. 35
(7) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.	1st January 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st January 1872, and end of then next session. 40 45
(8) 10 & 11 Vict. c. 90. Poor Laws (Ire- land).	As to appoint- ment of com- missioners.	14 & 15 Vict. c. 68. 19 & 20 Vict. c. 14.	23d July 1871, and end of then next session. (33 & 34 Vict. c. 103.)	23d July 1872, and end of then next session. 50

1.	2.	3.	4.	5.
Original Acts.	How far continued.	Amending Acts.	Time of Expiration of temporary Provisions.	Continued until
5 10 & 11 Vict. c. 98. (9) Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	- - -	1st August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st August 1872, and end of then next session.
10 11 & 12 Vict. c. 32. (10) County Cess (Ireland).	The whole Act -	20 & 21 Vict. c. 7.	1st August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st August 1872, and end of then next session.
15 11 & 12 Vict. c. 107. (11) Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36.	20th August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	20th August 1872, and end of then next session.
20 14 & 15 Vict. c. 104. (12) Episcopal and Capitular Es- tates Manage- ment.	The whole Act -	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	1st January 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st January 1872, and end of then next session.
30 17 & 18 Vict. c. 102. (13) Corrupt Practices Prevention.	The whole Act -	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29.	8th June 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	8th June 1872, and end of then next session.
35 19 & 20 Vict. c. 36. (14) Preservation of the Peace (Ire- land).	The whole Act -	20 & 21 Vict. c. 7. 28 & 29 Vict. c. 118.	1st July 1871, and end of then next session. (33 & 34 Vict. c. 103.)	1st July 1872, and end of then next session.
40 23 & 24 Vict. c. 19. (15) Dwellings for La- bouring Classes (Ireland).	The whole Act -	- - -	15th May 1871, and end of then next session. (33 & 34 Vict. c. 103.)	15th May 1872, and end of then next session.
45 24 & 25 Vict. c. 109. (16) Salmon Fishery (England) Act.	As to appoint- ment of in- spectors, s. 31.	- - -	1st October 1871, and end of then next session. (33 & 34 Vict. c. 103.)	1st October 1872, and end of then next session.
50 25 & 26 Vict. c. 97. (17) Salmon Fisheries (Scotland).	As to the powers of commission- ers, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	1st January 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st January 1872, and end of then next session.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(18) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act -	- - -	28th July 1871, and end of then next session. (33 & 34 Vict. c. 103.)	28th July 1872, 5 and end of then next session.
(19) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Ex- change (Ire- land).	The whole Act -	- - -	13th May 1871, and end of then next session. (33 & 34 Vict. c. 103.)	13th May 1872, and end of then 10 next session.
(20) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act -	- - -	28th April 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	28th April 1872, 15 and end of then next session.
(21) 27 & 28 Vict. c. 92. Public Schools.	The whole Act -	- - -	1st August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st August 1872, 20 and end of then next session.
(22) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act -	- - -	1st October 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st October 1872, 25 and end of then next session.
(23) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act -	- - -	29th June 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	29th June 1872, 30 and end of then next session.
(24) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act -	- - -	1st September 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st September 35 1872, and end of then next session.
(25) 28 & 29 Vict. c. 121. Salmon Fishery Act (1861) Amendment.	As to appoint- ment of com- missioners, s. 51.	- - -	1st October 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st October 1872, 40 and end of then next session.
(26) 29 & 30 Vict. c. 52. Prosecution Ex- penses.	The whole Act -	- - -	23d July 1871, and end of then next session. (33 & 34 Vict. c. 103.)	23d July 1872, 45 and end of then next session.
(27) 30 & 31 Vict. c. 126. Railway Com- panies (Scot- land).	As to protection of rolling stock, s. 4.	- - -	1st September 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st September 1872, and end 50 of then next session.
(28) 30 & 31 Vict. c. 127. Railway Com- panies.	As to protection of rolling stock, s. 4.	- - -	1st September 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st September 1872, and end 55 of then next session.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
5 30 & 31 Vict. c. 141. Master and Ser- vant. (29)	The whole Act -	- - - -	20th August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	20th August 1872, and end of then next session.
10 31 & 32 Vict. c. 32. Endowed Schools. (30)	The whole Act -	- - - -	1st August 1871, and end of then next ses- sion. (33 & 34 Vict. c. 103.)	1st August 1872, and end of then next session.
15 31 & 32 Vict. c. 76. Militia Pay. (31)	The whole Act -	32 & 33 Vict. c. 66.	31st July 1871 inclusive (33 & 34 Vict. c. 103.)	31st July 1872 inclusive.
20 32 & 33 Vict. c. 21. Election Com- missioners Ex- penses. (32)	The whole Act -	- - - -	24th June 1871, and end of then next session. (32 & 33 Vict. c. 21.)	24th June 1872, and end of then next session.

Expiring Laws.

A

BILL

To continue various expiring Laws.

(Prepared and brought in by
Mr. William Henry Gladstone and Mr. Baxter.)

*Ordered, by The House of Commons, to be Printed,
7 August 1871.*

[Bill 289.]

Under 1 oz.

A

B I L L

INTITULED

An Act to amend the Acts relating to Factories and Workshops. A.D. 1871.

[Note.—*The words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to provide for the enforcement of the Workshop Regulation Act, 1867, by inspectors of factories, and to amend the Acts relating to factories and workshops :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Factory and Workshop Act, 1871." Short title.

10 2. This Act and the Workshop Regulation Act, 1867, and the Factory and Workshop Act, 1870, and the Act of the present session, chapter nineteen, intituled "An Act for exempting persons
"professing the Jewish religion from penalties in respect of young
"persons and females professing the said religion working on
15 "Sundays," (which Act may be cited as The Factory and Workshop (Jews) Act, 1871,) so far as they relate to workshops, shall be construed together as one Act, and may be cited as the Workshop Acts 1867 to 1871.

This Act and the Factory Acts as defined by the Factory Act
20 Extension Act, 1867, and the Factory Act Extension Act, 1864, and the Factory Act Extension Act, 1867, and the Factory and Workshop Act, 1870, and the Factory and Workshop (Jews) Act, 1871, so far as they relate to factories, shall be construed together as one Act, and may be cited as the Factory Acts, 1833 to 1871.

25 3. After the passing of this Act, it shall cease to be the duty of the local authority to enforce the provisions of the Workshop Acts, 1867 to 1871, and it shall be the duty of the inspectors and sub-inspectors of factories to enforce the provisions of those Acts, and such inspectors and sub-inspectors shall make the
30 like reports with respect to workshops as are made by them with respect to factories, but not any further or other reports.

[Bill 255.]

A

A.D. 1871.

Exemption
of curing
fish from
Factory and
Workshop
Acts.

4. Whereas upon the arrival of boats with fish it is necessary, for the purpose of preventing such fish from being spoiled, to employ persons in gutting, salting, and packing such fish upon the arrival of such boats: Be it enacted, nothing in the Factory Acts, 1833 to 1871, or in the Workshop Acts, 1867 to 1871, shall 5 extend to the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

Restriction
as to employ-
ment of
children,
young per-
sons, and
women in
the manu-
facture of
bricks and
tiles.

5. After the first day of January one thousand eight hundred and seventy-two, no female under the age of sixteen years, and no child under the age of ten years, shall be employed in the manu- 10 facture of bricks and tiles, not being ornamental tiles, and any female or child who is employed in contravention of this section shall be deemed to be employed in manner contrary to the provisions of the Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871. 15

Modifica-
tions as re-
gards cer-
tain trades.
30 & 31 Vict.
cc. 103. and
146.

6. The Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871, shall be construed as if there were contained in the schedules to the Factory Acts Extension Act, 1867, and the Workshop Regulation Act, 1867, respectively, the permanent modifications contained in the first schedule to this Act. 20

Notices of
accidents in
factories
under
7 & 8 Vict.
c. 15. ss. 23,
24.

7. The accidents of which notice is required to be given in a factory shall be the following accidents only; that is to say,

(a.) Any accident which causes loss of life to any person employed in the factory; and

(b.) Any accident which causes bodily injury to any person 25 employed in the factory, and is produced by machinery or by explosion of gas or steam, and is of such a nature as to prevent the person injured by it from returning to his work in the factory within forty-eight hours after the occurrence of the accident. 30

Recovery
and appli-
cation of
penalties.

8. All offences and penalties under the Factory Acts, 1833 to 1871, including penalties under special rules, may be prosecuted and recovered summarily in like manner as offences and penalties under the Workshop Acts, 1867 to 1871.

All penalties imposed in pursuance of the Factory Acts, 1833 to 35 1871, or the Workshop Acts, 1867 to 1871, shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

Recovery of
penalties in
Scotland.

9. In the application of the Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871, to Scotland, the following enact- 40 ments shall have effect:

A.D. 1871.

1. "The court" when hearing and determining an information, complaint, or other proceeding under those Acts shall be constituted either of two or more justices of the peace, sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the sheriff of the county or his substitute, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace :
2. All offences under those Acts shall be prosecuted and all penalties under those Acts shall be recovered at the instance of the inspector or sub-inspector of factories for the district, before the court, under the provisions of "The Summary Procedure Act, 1864 :"
3. The court may make orders under those Acts on petition by such inspector or sub-inspector, presented in common form :
4. All penalties under those Acts, in default of payment, and all orders made under those Acts failing compliance, may be enforced by imprisonment for a term to be specified in the judgment or sentence of the Court, but not exceeding three calendar months :
5. All penalties imposed and recovered under those Acts shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund :
6. All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes, the provost and magistrates of royal burghs, and on justices of the peace.
10. The Acts mentioned in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned ; provided that this repeal shall not affect anything done or suffered, or any prosecution or other proceeding commenced, before the passing of this Act, under any enactment hereby repealed, or the payment of any expenses incurred, or the levying of any rate for the purpose of paying any expenses incurred, before the passing of this Act, under any enactment hereby repealed.

A.D. 1871.

FIRST SCHEDULE.

PERMANENT MODIFICATION.

(1.) Where it is shown to one of Her Majesty's Principal Secretaries of State, with respect to any factory or workshop or class of factories or workshops, that by reason of the nature of the business depending on the weather or on the seasons of the year, it is necessary to employ young persons of fourteen years of age and upwards and women at certain times of the year for a longer period than is allowed by the Factory Acts Extension Act, 1867, or the Workshop Regulation Act, 1867, (as the case may be,) such Secretary of State may from time to time, by order to be advertised in the London Gazette or otherwise published in such manner as he may think fit, give permission that in the case of such factory or workshop or class of factories or workshops young persons of fourteen years of age and upwards and women may be employed for a period not exceeding fourteen hours in any one day:

Provided that—

- 1st. They shall not be so employed except between the hours of six in the morning and eight in the evening, or, where permission has been given by the Secretary of State to work between the hours of seven in the morning and seven in the evening or of eight in the morning and eight in the evening, then except between the hours of seven in the morning and nine in the evening, or eight in the morning and ten in the evening, as the case may be:
- 2nd. In addition to the time allowed for meals they shall be allowed half an hour for a meal after the hour of five in the evening:
- 3rd. They shall not be so employed for more than ninety-six days in any period of twelve months, or for more than five consecutive days in any one week.

Where it is shown to one of Her Majesty's Principal Secretaries of State, with respect to the manufacture of bricks and tiles, other than ornamental tiles, that by reason of the nature of such manufacture it is necessary to employ male young persons of the age of fourteen years and upwards, and women, at certain times of the year, for a longer period than is allowed by the Factory Acts Extension Act, 1867, or the Workshop Regulation Act, 1867, as the case may be, such Secretary of State may, from time to time, by order to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, give permission that in the case of the factories and workshops in which such manufacture is carried on, or in such of them as may be mentioned in the order, male young persons of fourteen years of age and upwards, and women, may be employed between the thirty-first day of March

and the first day of the following October, in any year, for a period not exceeding fourteen hours in any one day : A.D. 1871.

Provided that—

- 5 1st. They shall not be so employed except between the hours of six in the morning and eight in the evening :
- 2d. In addition to the time allowed for meals they shall be allowed half an hour for a meal after the hour of five in the evening :
- 3d. They shall not be so employed for more than three days in any one week.

10 (2.) Any order made by one of Her Majesty's Principal Secretaries of State, in pursuance of any of the permanent modifications contained in any of the Factory Acts, 1833 to 1871, or in any of the Workshop Acts, 1867 to 1871, shall be in force for such time and during such periods only as may be specified in such order.

A.D. 1871.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
7 & 8 Vict. c. 15.	- An Act to amend the Laws relating to Labour in Factories.	Sections forty-five to fifty, both inclusive; and sections sixty-six and sixty-eight. 5
11 & 12 Vict. c. 43.	- An Act to facilitate the performance of the duties of Justices of the peace out of Sessions within England and Wales with respect to Summary Convictions and Orders.	The following words in section thirty-five: "nor shall anything in this Act extend to any proceedings under the Acts of Parliament regulating or otherwise relating to the labour of children and young persons in mills or factories." 10 15
27 & 28 Vict. c. 48.	- The Factory Acts Extension Act, 1864.	Section seven down to the words "Factory Acts and." 15
30 & 31 Vict. c. 146.	- The Workshop Regulation Act, 1867.	Section nine; section ten from "provided that he report" down to "half-yearly report," both inclusive; the following words in section twelve, namely, "as to Scotland in manner directed by the Summary Procedure Act, 1864," and the last paragraph from the words "the court imposing any penalty" down to the end of that section; sections thirteen and eighteen; the second schedule; and so much of the remainder of the Act as relates to any local authority. 20 25 30 35

**Factories and Work-
shops Acts Amendment.**
[H.L.]

A

B I L L

INTITLED

An Act to amend the Acts relating to
Factories and Workshops.

(*Brought from the Lords 18 July 1871.*)

*Ordered, by The House of Commons, to be Printed,
18 July 1871.*

[Bill 225.]

Under 1 oz.

A

B I L L

TO

Amend the Factories Acts Extension Act, 1864.

A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. So much of the Factories Acts Extension Act, 1864, (in this Act referred to as "the principal Act,") as excepts from the operation thereof the manufacture of bricks and tiles not being ornamental tiles shall be repealed. Repeal of exception in Factories Act 1864.

10 2. The provisions of the principal Act shall as regards the factories to which the principal Act is extended by this Act be modified as follows, viz. : Application to brick and tile yards.

(1.) No female, and no child under ten years of age, shall be employed in any such factory.

15 (2.) Male young persons of the age of *sixteen years* and upwards may, between the thirty-first day of March and the first day of the following October in any year, be employed on any days except Sunday and Saturday, for a period exceeding the period for which they might under the Factory Acts be employed, provided that,—

20 *a.* They are not so employed for more than three days in any one week, and

b. They are not so employed before six in the morning nor after nine in the evening on any day on which they are so employed, and

25 *c.* They are in addition to the other times allowed for meals allowed a further half hour for an extra meal at five in the afternoon of each day on which they are so employed.

[Bill 194.]

A

2 *Factory Acts (Brick and Tile Yards) Extension.* [34 & 35 VICT.]

A.D.1871.
—
Incorporation of the
Factories
Act, 1864.
Commence-
ment.
Short title.

3. The principal Act as amended and modified by the Acts amending the same and by this Act shall, excepting the temporary provisions thereof, be incorporated with this Act.

4. This Act shall not come into operation until the *first day of January one thousand eight hundred and seventy-two.*

5

5. This Act may be cited for all purposes as “The Factories Acts (Brick and Tile Yards) Extension Act, 1871.”

Factory Acts (Brick and Tile Yards Extension).

A

B I L L

To amend the Factory Acts Extension
Act, 1864.

(Prepared and brought in by
Mr. Mundella, Viscount Sandon, Mr. Thomas
Hughes, Mr. Akeoyd, Mr. Auberon Herbert, and
Mr. Samuelson.)

Ordered, by The House of Commons, to be Printed,
13 June 1871.

[Bill 194.]

Under 1 oz.

A
B I L L

TO

Further amend the Law relating to Fairs in England and A.D. 1871.
Wales.

WHEREAS certain of the fairs held in England and Wales are unnecessary, are the cause of grievous immorality, and are very injurious to the inhabitants of the towns in which such fairs are held, and it is therefore expedient to make provision to facilitate the
5 abolition of such fairs :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **1.** This Act may be cited as "The Fairs Act, 1870."

Title.

2. In this Act the term "owner" means any person or persons, or body of commissioners, or body corporate, entitled to hold any fair, whether in respect of the ownership of any lands or tenements, or under any charter, letters patent, or Act of Parliament, or other-
15 wise howsoever.

Definition of
"owner."

3. In case it shall appear to the Secretary of State for the Home Department, upon representation duly made to him by the magistrates of any petty sessional district within which any fair is held, or by the owner of any fair in England or Wales, that it would be
20 for the convenience and advantage of the public that any such fair shall be abolished, it shall be lawful for the said Secretary of State for the Home Department, with the previous consent in writing of the owner for the time being of such fair, or of the tolls or dues payable in respect thereof, to order that such fair shall be abolished
25 accordingly : Provided always, that notice of such representation, and of the time when it shall please the Secretary of State for the Home Department to take the same into consideration, shall be published once in the London Gazette, and in three successive weeks in some one and the same newspaper published in the county, city,
30 or borough in which such fair is held, or if there be no newspaper

Secretary of State may, on representation of magistrates, with consent of owner, order fair to be abolished.

Notice of representation to be published in newspapers.

[Bill 60.]

A.D. 1871. published therein, then in the newspaper of some county adjoining or near thereto, before such representation is so considered.

Order of
Secretary of
State to be
published in
newspaper.

4. When and so soon as any such order as aforesaid shall have been made by the Secretary of State for the Home Department, notice of the making of the same shall be published in the London 5 Gazette, and in some one newspaper of the county, city, or borough in which such fair is usually held, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto, and thereupon such fair shall be abolished.

Fairs.

A

B I L L

To further amend the Law relating to
Fairs in England and Wales.

(Prepared and brought in by
Viscount Bury, Mr. Eglyn, and Mr. Clare Read.)

*Ordered, by The House of Commons, to be Printed,
28 February 1871.*

[Bill 60.]

Under 1 oz.

A

B I L L

To abolish Reductions ex capite lecti and the Distinction A.D. 1871.
between Fees of Conquest and Fees of Heritage in Scotland. —

WHEREAS it is expedient to abolish all challenges and reductions in Scotland ex capite lecti, and it is also expedient to abolish the distinction which now holds in the law of succession in Scotland between fees of conquest and fees of heritage:

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

10 1. No deed, instrument, or writing made by any person who shall die after the passing of this Act shall be liable to challenge or reduction ex capite lecti. No deed, &c. liable to reduction ex capite lecti.

15 2. The distinction in regard to succession between fees of conquest and fees of heritage is hereby abolished with regard to all successions opening after the passing of this Act, and fees of conquest shall descend in the same manner and subject to the same rules as fees of heritage. Distinction between fees of conquest and fees of heritage abolished.

**Fees of Conquest, &c.
Abolition (Scotland).**

A

B I L L

To abolish Reductions ex capite lecti
and the Distinction between Fees of
Conquest and Fees of Heritage in
Scotland.

*(Prepared and brought in by
The Lord Advocate and Mr. Adam.)*

*Ordered, by The House of Commons, to be Printed,
20 July 1871.*

[Bill 260.]

Under 1 oz.

A

B I L L

To abolish Feudal and Burgage Tenure, and to amend the Law relating to Land Rights and Deeds in Scotland. A.D. 1871.

WHEREAS it is expedient to abolish feudal and burgage tenure, and to amend the law relating to land rights and deeds in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Abolition of Tenure (Scotland) Act, 1871."

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them; that is to say, Interpretation.

"Land" shall include all subjects of real or heritable property, which, according to the law prior to this Act, were or might be held of a superior according to feudal tenure, or which were or might be held in burgage tenure :

"Estate in land" shall mean any interest in land, whether in fee, liferent, or security, and whether beneficial or in trust, which, according to the law prior to this Act, was or might be held as aforesaid :

"Estate of inheritance in land" shall mean any estate in land descendible to heirs :

"Estate of superiority" shall mean the interest in land which belongs to a person who, or whose predecessor in title, has made a grant or conveyance of such land, dated prior to the passing of this Act, to be held of himself and his successors in feu farm as immediate lawful superiors thereof, and the interest in land which belongs to a person who, or whose predecessor in title, has made a grant or conveyance of such land, dated subsequent to the passing of this Act, reserving or

[Bill 251.]

A

A.D. 1871.

stipulating for the payment of any feu duty to himself and his successors :

“Estate of property” shall mean the dominium utile of land, and shall include every subordinate right and interest, requiring infeftment, in land which it is competent for the proprietor of 5 the dominium utile to create :

“Casualties” shall include the relief duty payable on the entry or succession of an heir, the composition payable on the entry or succession of a singular successor, and all other payments exigible in lieu of such duties and compositions : 10

“Sheriff” shall include steward, sheriff-substitute, and steward-substitute.

Estates of
superiority
and property
to be distinct
and separate.

3. From and after the passing of this Act every estate of superiority in land shall be deemed and taken to be a distinct and separate 15 estate from any estate of property in such land, and where there are several estates of superiority in the same land each shall be deemed and taken to be a distinct and separate estate, and no estate of superiority, in whatever terms the title thereto or the infeftment therein may be conceived, shall import any right of property in the land : Provided always, that every superior, duly infeft, shall have a 20 real and heritable right to all feu duties, casualties, and other interests, if any, incident to his estate of superiority, and, subject to the provisions of this Act, the same remedies as heretofore for the recovery and enforcement thereof.

But effect of
conditions
and cove-
nants pre-
served.

4. All lawful reservations, conditions, and covenants expressed 25 in any charter or other conveyance of land, and which do not require any title to be made up under, or any deed or conveyance to be taken from, the superior, shall have effect according to their terms and be enforceable according to law, irrespective of the relation of superior and vassal, and notwithstanding that the estate of property 30 is in point of title held and possessed independently of the estate of superiority ; but no provision or stipulation requiring a title to be made up under, or any deed or conveyance to be taken from the superior, shall have any validity, force, or effect.

Feudal
tenure
abolished.

5. Feudal tenure shall be and the same is hereby abolished, and 35 the person in right of any estate of property in land shall be entitled to hold the same, and to make up and complete his title thereto, without reference to any estate of superiority in such land, and independently, and without the aid of any superior, and his infeftment shall be deemed a public infeftment, without need of 40 confirmation or other recognition by the superior. The person in right of any estate of superiority in land shall in like manner be

entitled to hold the same, and to make up and complete his title thereto, without reference to any other estate of superiority in such land, and independently, and without the aid of any over superior, and his infeftment shall be deemed a public infeftment without
 5 need of confirmation or other recognition by any over superior.

A.D. 1871.

6. Charters and writs by progress, except charters of novodamus, are hereby abolished, and the action of declarator of non-entry and all remedies competent to superiors on the ground of non-entry are also hereby abolished: Provided that a superior shall have
 10 against the proprietor, or person in possession and claiming to be the proprietor, of the dominium utile, and against the land and anything thereon, the remedies which he would have had under the existing law if such proprietor or person had been an entered vassal; and further provided that charters of novodamus may hereafter be
 15 granted, with the same effect as before the passing of this Act, except with respect to feudal tenure.

Writs by progress, except charters of novodamus abolished.

7. A decree of declarator of irritancy ob non solutum canonem being recorded in the register of sasines shall have the effect of vesting the superior in whose favour it is pronounced with the estate
 20 of property to which it refers, in the same manner as he or his predecessor in title was vested therewith immediately before the grant or conveyance thereof, and of extinguishing the estate of superiority created by the said grant or conveyance; and the summons in an action of declarator of irritancy ob non solutum
 25 canonem may be in the form set out in Schedule A. to this Act annexed, or in a similar form.

Effect of decret of declarator of irritancy.

8. An estate of superiority may be validly extinguished by a deed of discharge in favour of the person in right for the time of the estate of property, and such deed of discharge, which may be
 30 in the form set out in Schedule B. hereto annexed, or in a similar form, being recorded in the register of sasines shall effectually extinguish the estate of superiority to which it relates, and all rights and interests incident thereto.

Superiority may be extinguished by discharge.

9. When an estate of property is conveyed to the person who is
 35 in right of the estate of superiority resulting from the original grant, such estate of property shall, on the conveyance being recorded in the register of sasines, be deemed to be included in the title to the estate of superiority, in the same manner and to the same effect as upon a consolidation of property and superiority duly effected
 40 according to the existing law

Estate of property may be merged in superiority title.

A.D. 1871.

Estates of
superiority
as well as
estates of
property to
be estates of
inheritance.

Completion
of heir's
title,

10. An estate of superiority shall be deemed to be an estate of inheritance in land within the meaning of this Act, and, except in so far as otherwise expressly provided, all the provisions of this Act regarding the title to and the transmission, by conveyance or succession, of an estate of inheritance in land shall apply to estates of superiority as well as estates of property. 5

11. The heir of a deceased proprietor of any estate of inheritance in land, shall be deemed validly to complete his title, to the effect of taking the place of such deceased proprietor with respect to title and right to possession, by expeding and recording in the register of sasines a service, or a notarial instrument according to the form now in use, or an instrument of clare constat in the form set out in Schedule (C.) hereto annexed, or in a similar form. 10

Estate to
vest without
service.

12. On the death of the proprietor of any estate of inheritance in land, the personal right to such estate shall vest, without service, in the person immediately entitled as heir to succeed thereto, and such heir shall, on so succeeding, be deemed the proprietor of the estate, and the same shall pass to his heir or disponee although he shall die not served and not infeft. 15

Completion
of title when
deceased
proprietor
not infeft
and not
served.

13. A title, as heir to, or disponee of, a proprietor of any estate in land who has died not infeft and not served, but vested with a personal right to such estate, may be made up in the like manner as if such deceased proprietor held a disposition from the proprietor last infeft in said estate; and in the service, or notarial instrument, or other writ expedite for completing such title, and recorded in the register of sasines, there shall be set forth the name and designation of every such proprietor having only a personal right who has intervened between the proprietor last infeft, and the person so making up a title; and such notarial instrument may be in the form set out in Schedule (D.) hereto annexed, or in a similar form. 20 25 30

Title not to
be invalid
for want of
entry.

14. No title to any estate in land shall be deemed invalid or defective by reason of the existing or any former proprietor not having entered with a superior, or expedite a public infeftment, or effected consolidation of the property and superiority.

Heir not
liable beyond
value of
estate.

15. No heir shall be liable for the debts of his ancestor, beyond the value of the estate of such ancestor to which he succeeds as heir. 35

Provisions as
to payment
of casualties.

16. The casualties, legal or conventional, which, under the existing title to any estate in land, are payable to any person as superior, shall continue, subject to the provisions herein-after contained, to be payable to such person and his successors; and the 40

A.D. 1871.

casualty, heretofore payable on the entry of an heir, shall here-
after be payable on the succession of an heir, at the first term of
Whitsunday or Martinmas which shall occur six months after such
succession, and the casualty heretofore payable on the entry of a
5 singular successor, shall hereafter be payable on the acquisition of
a singular successor, at the first term of Whitsunday or Martinmas
which shall occur six months after such acquisition: Provided
always, that if, on the succession of an heir, or the acquisition of a
singular successor, the person on whose entry, or prior succession to,
10 or acquisition of, the estate, the casualty was paid, shall be still alive,
the casualty on such new succession or acquisition shall not be
payable till the first term of Whitsunday or Martinmas which shall
occur six months after the death of such person: Provided also, that
no interest shall accrue upon any such casualty as aforesaid until the
15 person entitled thereto shall have obtained a written acknowledg-
ment of liability, or the decret of a competent court therefor; and
that if any heir or singular successor shall, before action raised, or
having given such written acknowledgment, have died or parted with
the estate, so as to put another person in the position of an heir or
20 singular successor upon whose succession or acquisition a casualty is
payable, all claim for a casualty, on the succession or acquisition of
the heir or singular successor who has so died or parted with the
estate, shall cease and determine: Provided further, that the value
of any buildings erected or improvements made after the passing of
25 this Act, shall not be taken into account in fixing the amount of
the casualty, where the entry of a singular successor is untaxed;
and that, unless where otherwise stipulated, corporations shall pay,
every twenty-fifth year, the casualty payable on the entry or
acquisition of a singular successor.

30 17. It shall be lawful for the person in right of any estate of
property to redeem, for all time coming after the date of redemption,
the casualties, legal or conventional, which may be payable to the
superior therefor, on the terms and conditions following, viz.:

1. Any casualty which is due, or on the eve of becoming due
35 under this Act, by reason of the death of the person, on
whose succession as heir, or acquisition as singular successor,
the last casualty was paid, shall be paid before the redemption,
and such redemption shall apply only to future casualties.

2. Where the casualties are payable at fixed intervals exceeding
40 twenty years, or, prior to the passing of this Act, on the entry
of an heir or singular successor, and, subsequent to the passing
of this Act, in the events and at the terms and periods
specified in clause sixteen hereof, all the casualties may be

Redemption
of casualties:

On payment
of a capital
sum.

A.D. 1871.

redeemed upon payment of the amount of the highest casualty with an addition of fifty per cent.

3. Where the casualties are payable at fixed intervals not exceeding twenty years, or in respect of each and every transfer of the property, they may be redeemed upon payment 5 of twice the amount of one such casualty.

Casualties to be discharged.

4. The superior, unless he shall elect to have the redemption money converted into an annual sum as herein-after provided, shall, on payment or tender thereof, be bound and obliged to discharge all right to the casualties incident to his estate of 10 superiority, and payable in respect of the estate of property belonging to the party redeeming, and such discharge, which may be in the form set forth in Schedule E. hereto annexed, or in a similar form, being recorded in the register of sasines, shall operate as a valid and effectual discharge of such 15 casualties.

or on payment of an annual sum.

It shall be lawful for the superior to elect that, in place of the capital sum of redemption money for casualties above provided, there shall be paid an annual sum, equal to interest at the rate of four per cent., upon such capital sum; and in that case, a memo- 20 randum, in the form set forth in Schedule (F.) hereto annexed, or in a similar form, of the amount of such annual sum, shall be signed by the parties or their agents, and recorded in the register of sasines, whereupon such annual sum shall be deemed to be feu-duty with all the legal qualities thereof, and shall form an 25 addition to any existing feu-duty, and the superior's right to the casualties shall be deemed to be discharged. Casualties subject to the fetters of an entail may be redeemed as aforesaid, notwithstanding such entail.

Entails not to bar redemption.

Redemption of casualties by a superior.

18. It shall be lawful for the person in right of any estate of 30 superiority to redeem the casualties, legal or conventional, which may be payable to the over superior, in the same manner and on the same terms and conditions as are herein-before enacted with respect to the redemption of casualties by a person in right of an estate of property. 35

Kain, carriages, and services may be commuted.

19. Where kain, carriages, and services, or any of them, exigible by the superior have for a period of five years been commuted to an annual money payment by agreement between the parties, whether reduced to writing or not, the said annual payment shall thereafter be deemed to be the value in all time coming of such kain, 40 carriages, and services respectively, and the superior shall be bound to accept thereof in lieu of such kain, carriages, and services

respectively; and with respect to kail, carriages, and services which have not been so commuted for a period of five years, it shall be competent to either party to apply to the sheriff to determine the annual value thereof, and the determination of the sheriff shall be final and not subject to review, and the superior shall be bound thereafter to accept of the annual sum so determined in lieu of such kail, carriages, and services, and the annual money value ascertained as aforesaid, whether by agreement or by determination of the sheriff, being stated in a memorandum in the form set forth in Schedule F. hereto annexed, or in a similar form, signed by the parties or their agents, and recorded in the register of sasines, such annual sum shall be deemed to be feu-duty with all the legal qualities thereof, and shall form an addition to any existing feu-duty, and the superior's right to the kail, carriages, and services shall be deemed to be discharged. Such redemption and commutation may be validly effected notwithstanding the fetters of any entail.

A.D. 1871.

20. All money derived from or in respect of any entailed estate under the provisions of this Act, shall be dealt with in the manner directed by the one hundred and twelfth section of "The Titles to Land Consolidation (Scotland) Act, 1868," in regard to the money specified in said section.

Application of money when estate entailed.

21. All conditions, whether made before or after the passing of this Act, to the effect that the superior shall be entitled to select or appoint an agent to prepare or record conveyances or other deeds, having reference to the estate of property, or to restrain or restrict the proprietor thereof in the selection of an agent to prepare or record such conveyances, or to secure any privilege of the nature of a monopoly to the superior's agent, or to an agent or agents selected or appointed by him, shall be null and void, and all enactments to the like effect in any Act of Parliament shall be, and the same are, hereby repealed.

Certain conditions of feu to be null.

22. No legal casualty or duty shall be exigible by a superior on, or in respect of, the succession of an heir, or the acquisition of a singular successor, of any estate of property or superiority created after the passing of this Act.

No legal casualties in feus created after passing of Act.

23. Burgage tenure is hereby abolished; the proprietors of, and all others having any estate in subjects which at the passing of this Act were held in burgage, shall have the same right and interest in such estate as would have belonged to them under this Act or otherwise, had the tenure been feu instead of burgage, and there shall

Burgage tenure abolished.

A.D. 1871. — not hereafter be any distinction between subjects or estates, which were held in burgage, and subjects or estates which were held in feu, at the passing of this Act, with respect to conveyances relating thereto, or any of the matters or things to which the provisions of this Act relate; and any writs by magistrates of burghs specially applicable to burgage tenure are hereby abolished: 5

Registration of burgage writs. Provided always, that titles to, and securities affecting, subjects heretofore held burgage shall continue to be recorded in the burgh register of sasines: Provided also, that titles, under which land held burgage is possessed at the passing of this Act, and 10

Challenge of erroneous titles barred. which are not under judicial challenge at the passing hereof, shall not be subject to challenge in respect of the same having been made up under an erroneous form of holding; and, upon a notarial instrument in the form of Schedule (G.) hereto annexed, or in a similar form, being recorded in the burgh register of sasines, such 15 titles and the notarial instrument in which they are set forth shall form valid titles to such land.

Form of conveyances. **24.** Conveyances of land in the form set out in Schedule (H.) hereto annexed, or in a similar form, shall be valid conveyances, and, when recorded in the register of sasines, shall be valid and 20 complete titles in favour of the disponent and his heirs and assignees; and in any conveyance in which it is necessary to describe an estate in land, the same may be described in the manner set out in that schedule. All words and clauses in said schedule, to which a special meaning or import is attached by the fifth, seventh, and eighth 25 sections of “The Titles to Land Consolidation (Scotland) Act, 1868,” shall have the like meaning and import, when used in any conveyance under this Act. The clause of obligation to relieve of burdens shall, unless specially qualified, import an obligation to relieve of all public and parochial burdens, and of all feu-duties, casualties, 30 or conversions thereof, and other periodical payments, and other duties and services due from, or on account of, the land conveyed, prior to the date of entry. The words “with and under the real burden” shall import a real burden on the land disposed.

Reservations, conditions, and covenants may be imported by reference. **25.** Reservations, conditions, and covenants may be validly and 35 effectually imported by reference into any charter, feu disposition, or feu contract of land, provided the deed, instrument, or writing in which the same are specified is recorded in the register of sasines prior to the date of the charter, feu disposition, or feu contract in which reference is made thereto; and the deed, instrument, or 40 writing which specifies such reservations, conditions, and covenants need not be executed or subscribed by the parties to the deed

in which reference is made thereto; and it shall be lawful for any proprietor of land to execute an instrument setting forth the reservations, conditions, and covenants under which he is to feu his

A.D. 1871.

- 5 same in the register of sasines; and the same being recorded, the said reservations, conditions, and covenants may be validly and effectually imported by reference into any charter, feu disposition, or feu contract subsequently granted by such proprietor, or by his heirs or successors, or by any person whatsoever, provided it is
- 10 expressly stated in such charter, feu disposition, or feu contract, that it is granted under the reservations, conditions, and covenants set forth in such instrument.

26. Every deed, instrument, or writing whereby any real burden upon land is assigned, conveyed, or transferred shall, in order to the
- 15 validity thereof in competition with third parties, require to be recorded in the register of sasines, in the same manner as any other real security or incumbrance affecting land.

Conveyances of real burdens to be completed by sasines.

27. A decree of division of commonalty, when recorded by any of the joint proprietors or their heirs, along with a warrant of registration in the register of sasines, shall have the effect of a recorded
- 20 conveyance by all the joint proprietors, in favour of the party named in the warrant of registration.

Registration of a decree of division.

28. The distinction between fees of heritage and fees of conquest, is hereby abolished with respect to all successions opening after the
- 25 passing of this Act, and fees of conquest shall descend in the same manner and subject to the same rules as fees of heritage.

Fees of conquest abolished.

29. No deed, instrument, or writing made by any person who shall die after the passing of this Act, shall be liable to challenge or reduction on the head of death-bed.

Reduction ex capite lecti abolished.

30. The period of prescription specified in the Act one thousand six hundred and seventeen, chapter twelve, is hereby, but in so far only as regards the title to any estate of superiority or any estate of property, reduced from forty to twenty years: Provided that this enactment shall not be available or pleadable in any action commenced prior to *first January one thousand eight hundred and*
- 35 *seventy-three*; and further provided, that this enactment shall not affect the existing law with respect to servitudes or public rights, or the extinction of obligations by the negative prescription irrespective of the acquisition of corresponding rights by the positive prescription.

Period of prescription shortened. Limitation.

A.D. 1871.

Inhibitions
to prescribe
in five years;

But may be
registered
anew.

31. All inhibitions, subsisting at the passing of this Act, shall prescribe not later than on the lapse of five years after the said date, and all inhibitions, which shall be recorded after the passing of this Act, shall prescribe on the lapse of five years from the date on which such inhibition shall take effect: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same, or a memorandum signed by the party or his agent in terms of Schedule (I.) hereto annexed, or in a similar form before the expiration of the said respective periods of five years, and on such inhibition or such memorandum being so recorded, such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording, and such inhibition or memorandum may be again recorded, with the like effect, before the expiration of every subsequent period of five years; provided nevertheless, that in the case of inhibitions subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed. 5 10 15

Writer or
printer, and
number of
pages
need not
be specified.

32. It shall be no objection to the probative character of any deed or instrument that the writer or printer is not named or designed, or that the number of pages of which it consists is not specified. 20

Deed not to
be invalid
because im-
probative.

33. No deed, instrument, or writing subscribed by the granter or maker thereof shall be deemed invalid or denied effect according to its legal import because of any defect or informality of execution, but the burden of proving the genuineness of any deed, instrument, or writing, which is not so executed as to be probative, shall lie upon the party using or upholding the same. 25

Holograph
testamentary
writings.

34. Every holograph writing of a testamentary character shall, in the absence of evidence to the contrary, be deemed to have been executed or made of the date it bears. 30

Act shall
apply to
lands held of
the Crown.

35. The provisions of this Act shall apply to lands held of the Crown, in the same way as to lands held of a subject superior, but shall not prejudice or affect the *jus coronæ* as a title to lands or heritages. 35

Title to pri-
vate estates
of Her Ma-
jesty in
Scotland.

36. Notwithstanding the provisions of "The Crown Private Estates Act, 1862," private estates in land of Her Majesty, her heirs or successors, situate or arising in Scotland, which, prior to the date of this Act, were held either under the Crown or under a subject-superior, may hereafter be held by titles conceived in the name of Her Majesty, or of her heirs or successors, and such 40

private estates shall not thereby fall or revert to the Crown, jure A.D. 1871.
coronæ, but shall remain, beneficially, separate private estates of
Her Majesty, her heirs and successors; and the last-recited Act is
hereby repealed, in so far as is necessary to give effect to the above
5 provision.

37. All statutes, laws, and usages inconsistent with any of the Repeal of
provisions of this Act shall be and are hereby repealed. Acts, &c.

A.D. 1871.

SCHEDULES.

SCHEDULE (A.)

SUMMONS OF DECLARATOR OF IRRITANCY.

VICTORIA, &c.—Whereas it is humbly shown to us by our lovite *A.B.*, pursuer, against *C.D.*, defender, in terms of the condescendence and note of pleas in law hereunto annexed: Therefore it ought and should be found and declared, by decree of the Lords of our Council and Session, that the defender's estate of property in all and whole [*describe shortly, or refer to the lands in terms of the Titles to Land Consolidation (Scotland) Act, 1868, or as the case may be*] is irritated, forfeited, and lost by reason of the feu-duty payable therefor being in arrear for two full years, and that the pursuer is vested with the said estate of property in terms of "The Abolition of Tenure (Scotland) Act, 1871:" And the defender should be decerned and ordained, by decree foresaid, forthwith to flit and remove himself and his dependents from the said lands.

CONDESCENDENCE.

[*Set forth shortly the deed or deeds under which the feu-duty is payable, the amount of the feu-duty, and the period for which it is in arrear, and any interest, all according to the form now in use.*]

SCHEDULE (B.)

DISCHARGE OF ESTATE OF SUPERIORITY.

I, *A.B.*, proprietor of the estate of superiority in the lands (*specify them*) whereof the estate of property belongs to *C.D.*, hereby discharge in favour of the said *C.D.*, and his heirs and successors, the said estate of superiority, and I consent to the registration hereof for preservation and publication. In witness whereof.

SCHEDULE (C.)

A.D. 1871.

INSTRUMENT OF CLARE CONSTAT.

At there was by [*or on behalf of*] *A.*
 presented to me, notary public subscribing, a disposition granted
 5 by *B.* in favour of the now deceased *C.*, dated
 and recorded in the Register of Sasines [*state the register*], on
 the day of [*or as the*
case may be], whereby the said *C.* was infeft in [*describe or refer to*
the lands, and insert or refer to any burdens or conditions, all in
 10 *terms of the "Titles to Land Consolidation (Scotland) Act, 1868,"*
or as the case may be]; and it clearly appears that the said *A.* is
 the eldest son of the said *C.* [*or as the case may be*], and as such
 his nearest and lawful heir [*state character*] in the lands and others
 above specified. Whereupon this instrument is taken in the hands
 15 of me, *A.B.* notary public, in terms of "The Abolition of
 Tenure (Scotland) Act, 1871." In witness whereof [*testing clause*
in usual form].

SCHEDULE (D).

NOTARIAL INSTRUMENT IN FAVOUR OF AN HEIR.

20 At there was by [*or on behalf of*] *A.B.* presented
 to me, notary public subscribing, a disposition [*specify the disposi-*
tion, or other deed or instrument, or extract thereof, as the case may
be], recorded in the [*specify the register of sasines, and date of*
recording], by which recorded disposition [*or otherwise as the case*
 25 *may be*] *C.D.* was infeft in all and whole [*describe the lands or*
other subjects, as the case may be, as the same are described in the
said disposition, or other deed or instrument]; as also there was
 presented to me a general disposition [*or other deed or convey-*
ance, or testamentary deed or writing, as the case may be, or an
 30 *extract of such deed*] granted by *E.F.*, who had right as after-
 mentioned, and dated [*insert date*]; by which general disposition [*or*
otherwise as the case may be] the said *E.F.* disposed [*or otherwise*
as the case may be] to the said *A.B.* and his heirs and assignees
 [*or otherwise as the case may be*] heritably and irredeemably [*or*
 35 *otherwise, as the case may be*] all and sundry the whole heritable
 [251.] C 2

A.D. 1871. — estate [or otherwise as the case may be] of which he was [or might die] possessed [or otherwise as the case may be. And if the deed be granted under any real burden, or condition, or qualification, add here,—but always under the real burdens, &c. And if the deed be granted in trust, or for specific purposes add,—but always in trust, 5 or for the uses and purposes mentioned in said general disposition, or otherwise as the case may be]. And it was represented to me that, upon the decease of the said *C.D.*, *G.H.*, his eldest son, was his heir in the said lands, and by virtue of “The Abolition of Tenure (Scotland) Act, 1871,” had a personal right thereto, but 10 died, not infeft and not served, and was succeeded by his immediate younger brother, the said *E.F.*, who was his heir in the said lands, and by virtue of the said Act had a personal right thereto, but also died not infeft and not served, having previously executed the said disposition in favour of the said *A.B.* [or other- 15 wise as the case may be], and that by virtue of the said Act the said *A.B.* is empowered to complete his title to the said lands as if the said *E.F.* held a disposition thereof from the said *C.D.* Whereupon this instrument is taken in the hands of *L.M.* [insert name and designation of notary public] in terms of the “Titles to Land 20 Consolidation (Scotland) Act, 1868,” and “The Abolition of Tenure (Scotland) Act, 1871.” In witness whereof [testing clause in usual form].

SCHEDULE. (E.)

DISCHARGE OF CASUALTIES.

25

I, *A.B.*, proprietor of the estate of superiority in the lands [specify them] whereof the estate of property belongs to *C.D.*, hereby discharge in favour of the said *C.D.*, and his heirs and successors, all casualties incident to my said estate of superiority exigible in respect of the said estate of property; and I consent to 30 the registration hereof for preservation and publication. In witness whereof [testing clause in usual form].

SCHEDULE (F.)

A.D. 1871.

MEMORANDUM CONSTITUTING A FEU-DUTY OR AN ADDITIONAL
FEU-DUTY.

Take notice, that the lands of [*describe shortly or refer to the*
 5 *lands in terms of "The Titles to Land Consolidation (Scotland)*
Act, 1868," or as the case may be] belonging to [*name and designa-*
tion of proprietor] are liable [*if there be a feu-duty already payable,*
say in addition to the existing feu-duty of £] in a feu-duty
 of £ [or, as the case may be, in an additional feu-duty
 10 of £] payable to [*name and designation*] and his successors,
 at [*state terms, and whether with interest*], which feu-duty [*or*
additional feu-duty] is constituted in respect of [*state here whether*
the additional feu-duty is in respect of a commutation of casualties
or kain, &c., or as the case may be]. In witness whereof.

SCHEDULE (G.)

NOTARIAL INSTRUMENT APPLICABLE TO BURGAGE TITLES.

At , there was by [*or on behalf of*] A. [*name*
and designation] presented to me, notary public subscribing, a dis-
 position granted by B. [*name and designation*] in favour of C.
 20 [*name and designation*], dated and recorded in the Register of
 Sasines for [*state register*] on the day of
 whereby the said B. disposed to the said C. [*or as the case may be ;*
describe the lands, and set forth shortly the terms of the subsequent
deeds by which the lands were transmitted to the party in whose
 25 *favour the instrument is exped.*] Whereupon this instrument is
 taken in the hands of me, A.B., notary public, in terms of "The
 " Abolition of Tenure (Scotland) Act, 1871." In witness whereof
 [*testing clause in usual form*].

SCHEDULE (H.)

FORMS OF DISPOSITIONS.

30

No. 1.

Disposition to a Purchaser.

I, A.B., in consideration of £ dispense to C.D., and
 his heirs [*or as the case may be*], the lands of [*describe the lands,*
 35 *or refer to them, and insert or refer to any burdens or conditions,*
 [251.] C 3

A.D. 1871. all in terms of "*The Titles to Land Consolidation (Scotland) Act, 1868*," or describe them as in Nos. 4, 5, 6, or 7 of this Schedule, as the case may be], with entry [state term]; and I assign the writs, and have delivered the same according to inventory [or as the case may be]; and I assign the rents; and I bind myself 5 to relieve of burdens; and I grant warrandice; and I consent to registration for preservation. In witness whereof [testing clause in usual form].

No. 2.

Disposition reserving a Feu-duty.

10

I, *A.B.*, in consideration of the feu-duty [or as the case may be], dispoñe to *C.D.*, and his heirs [or as the case may be], the lands of [describe the lands or refer to them, and insert or refer to any burdens or conditions, all in terms of "*The Titles to Land Consolidation (Scotland) Act, 1868*"]; but with and under the real burden 15 of an annual feu-duty of £ payable to me and my heirs or assignees [or as the case may be] by the said *C.D.* and his foresaids at the terms of [state terms and conditions of payment, and if with interest, and any further reservations in favour of the dispoñer, or other person, and any conditions and servitudes, as the case may 20 be. If it be intended to create any further real burdens use always the words with and under the real burden, as applicable to the burdens to be created]; with entry at [state term]; and I assign the writs, and have delivered the same according to inventory [or as the case may be]; and I assign the rents; and I bind myself 25 to relieve of burdens; and I consent to registration for preservation. In witness whereof [testing clause in usual form].

No. 3.

Feu Contract.

It is contracted between *A.B.* on the first part, and *C.D.* on the 30 second part, as follows:—The said *A.B.*, in consideration of the feu-duty and conditions and obligations after specified [or as the case may be], dispoñes to the said *C.D.*, and his heirs [or as the case may be], the lands of [describe the subjects or refer to them, and insert or refer to any burdens or conditions, all in terms of 35 "*The Titles to Land Consolidation (Scotland) Act, 1868*"]; but with and under the real burden of an annual feu-duty of £ payable to me and my heirs and assignees [or as the case may be],

by the said *C.D.* and his foresaids, at the terms of [*state terms and conditions of payment, and if with interest, and any further reservations in favour of the disponent or other person, and any conditions and servitudes, as the case may be. If it be intended to create any further*
5 *real burdens, use always the words with and under the real burden, as applicable to the burdens so to be created*]; with entry at [*state term and year*]; and the said *A.B.* assigns the writs, and has delivered the same according to inventory [*or as the case may be*]; and he assigns the rents; and he binds himself to relieve of burdens; and
10 he grants warrandice: And the said *C.D.* binds himself to pay to the said *A.B.* and his foresaids the said sum of £ [*state if with interest*], at the terms above specified, with a fifth part more of each term's payment of liquidate penalty in case of failure; and both parties consent to registration for preservation and
15 execution. In witness whereof [*testing clause in usual form*].

No. 4.

[*Where the estate is one of superiority, describe it thus*] All and whole the estate of superiority, being [*describe or refer to the lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*].

20 No. 5.

[*Where the estate is one of property, describe it thus*] All and whole the estate of property, being [*describe or refer to the lands in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*].

25 No. 6.

[*Where the disposition conveys an estate of superiority and also an estate of property, the description may be as follows*] All and whole the lands of [*describe or refer to them in terms of the "Titles to Land Consolidation (Scotland) Act, 1868"*], or all and
30 whole the estate of superiority, being [*describe or refer to it as above*], or all and whole the estate of property being [*describe or refer to it as above*].

A.D. 1871.

SCHEDULE (I.)

MEMORANDUM RECORDING AN INHIBITION OF NEW.

Renew inhibition at the instance of *A.* [*here insert designation of inhibitor*] against *B.* [*here insert designation of party inhibited*], recorded in this register [*or as the case may be*], on the 5 day of on behalf of the said *A.* [*or if the party in right of the inhibition be an heir, assignee, &c., say*] on behalf of *C.* [*insert designation, and state shortly the title by which he has right to the inhibition*].

G.M., W.S., (or S.S. 6.) Edinburgh, [*or 10 as the case may be*].

Agent,
or Party.

**Feudal and Burgage
Tenure (Scotland).**

B I L L

To abolish Feudal and Burgage Tenure,
and to amend the Law relating to
Land Rights and Deeds in Scotland.

(*Prepared and brought in by*
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Adam.)

Ordered, by The House of Commons, to be Printed,
14 July 1871.

[Bill 251.]

Under 3 oz.

Fires Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Duty of coroner to inquire respecting fires in cases of suspicion.
 2. Fires to be reported to the coroner by the police.
 3. Manner of conducting inquiries respecting fires.
 4. Annual reports by coroner to a Secretary of State.
 5. Provision for assessors to coroners in certain cases.
 6. Provision for appointment of special officer by local authority.
 7. Prohibition of payment of insurance claims pending inquiry.
 8. Provision as to authorised fire brigades.
 9. Expenses of inquiries.
 10. Provision as to informalities.
 11. Existing coroners.
 12. Saving clause.
 13. Interpretation.
 14. Application to Scotland.
 15. Application to Ireland.
 16. Commencement of Act.
 17. Short title.
-

A
B I L L

TO

Make provision for inquiries into the origin and circumstances of Fires. A.D. 1871.

WHEREAS it is expedient to make better provision for inquiry respecting the origin and circumstances of fires in certain cases :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every coroner shall, within the limits of the county, riding, division, district, city, borough, liberty, franchise, or place for which he acts as such coroner for the purpose of holding inquests respecting deaths, hold inquiries respecting fires happening at premises within such limits in any of the following cases (and in no others); that is to say,

Duty of coroners to inquire respecting fires in cases of suspicion.

(1.) When a report is made to him by an officer of police, in pursuance of the provisions herein-after in this Act contained, to the effect that there is ground to believe such fire to have been caused or aggravated by the wilful or unlawful act or default of any person, whether known or unknown ; or,

(2.) When he is so directed by a Secretary of State, or by two justices for the place where such fire happens ; or,

(3.) When an application is made to him by a person interested as herein-after in this section defined, accompanied with an affidavit sworn by such person before a justice of the peace, to the effect that in the judgment of such person there is ground to believe such fire to have been caused or aggravated as aforesaid, and with such deposit as is herein-after in this section mentioned as a security for costs which may be awarded against such person in pursuance of the provisions of this Act.

[Bill 44.]

A

A.D. 1871. — The following persons shall be deemed to be persons interested for the purposes of this section ; namely,

- (1.) Any person being an owner or occupier of any part of such premises, or of any immediately adjoining premises ; and, 5
- (2.) Any person whose property was destroyed or damaged by such fire, or was in or upon such premises, or any immediately adjoining premises, at the time of such fire ; and,
- (3.) Any insurance company, or partner in or officer of any 10 insurance company, by whom such premises or any immediately adjoining premises, or any property in or upon any such premises as aforesaid, were or was insured at the time of such fire.

The deposit to be made by an applicant as aforesaid shall be to 15 such amount as the coroner may in each case determine, and shall be made either by leaving such amount with the coroner (who shall give a receipt for the same), or by giving security to the satisfaction of the coroner to the extent of such amount.

Fires to be reported to the coroner by the police.

2. It shall be the duty of every chief constable, head constable, 20 or other chief officer of a police force, within three days after the happening at a place within the limits for which he acts, of a fire by which life has been lost or endangered, or which has caused or threatened the destruction of any premises, or the destruction or material injury of any valuable property, or which there is ground 25 to believe to have been caused or aggravated by the wilful or unlawful act or default of any person, whether known or unknown, to make, by himself or by his subordinate officers, a report in writing to the coroner for such place of the fact and circumstances of such fire, and in particular of whether there is ground to suppose such 30 fire to have been caused or aggravated by the wilful or unlawful act or default of any person, whether known or unknown.

Manner of conducting inquiries respecting fires.

3. The following provisions shall have effect with reference to any inquiry respecting a fire to be held by a coroner in pursuance of this Act ; (that is to say,) 35

- (1.) Such inquiry shall be commenced within *seven* days from the happening of such fire, or from the date of the report, direction, or application upon which such inquiry is to be held, or within such further time as a Secretary of State or two justices acting for the place where the fire happens 40 may allow :

(2.) Every such inquiry shall be held publicly in open court by the coroner without a jury, and no jury shall be summoned on any such inquiry : A.D. 1871.

5 (3.) The coroner shall inquire respecting the causes and circumstances of the fire, and particularly whether there is ground to believe such fire to have been caused or aggravated by the wilful or unlawful act or default of any person, whether known or unknown :

10 (4.) The coroner shall have all the like powers for summoning and examining any person appearing to him likely to be able to give material evidence touching any of the matters of the said inquiry (whether such person is within the jurisdiction of such coroner or not, and whether or not such person was present at the fire), as in the case of any
15 witness at any inquest held on the death of any person : the witnesses on any such inquiry shall be examined on oath :

20 (5.) The coroner may allow and pay the expenses of witnesses summoned or examined upon the inquiry, according to a scale which shall be framed, and may be varied from time to time, by a Secretary of State :

(6.) The coroner shall take down or cause to be taken down in writing, and shall sign, the evidence of all the witnesses upon the inquiry, or so much thereof as may be material :

25 (7.) At the close of the inquiry the coroner shall make and sign a written report respecting the fire and all the matters in relation thereto respecting which he is directed to inquire, and shall, not later than *one* week after such close, transmit such report, with the evidence so taken
30 and signed as aforesaid, to the clerk of the petty sessions for the place where such fire happened, and such clerk and his successors shall safely keep the same, and permit any person to inspect the same at any reasonable time, on payment of the fee of *one shilling*, and shall furnish
35 copies of the same or of any part thereof to any person applying for the same, on payment at a rate not exceeding *fourpence* for every *hundred* words :

40 (8.) A coroner or any other person shall not be liable to any action, suit, prosecution, or proceeding in respect of the making or publication in good faith of any such report or evidence so made or taken down as aforesaid :

(9.) Any such report or evidence, or any copy thereof, shall, if it purport to be signed by the coroner by whom it was

A.D. 1871.

made, be evidence that such report or evidence was duly made or taken down in pursuance of this Act, but not for any other purpose :

- (10.) For the purposes of the inquiry, the coroner may, by himself, and also by any other person authorised by him 5 in writing, enter and view the premises where such fire happened, and any adjoining premises, and may break and open any place in any such premises :
- (11.) Subject to the provisions of this Act, a coroner shall, for the purposes of any such inquiry and report, have all the 10 same powers and authorities as in the case of any inquest held by him on the death of any person.

Annual reports by coroners to a Secretary of State.

4. Every coroner shall, in the month of *January* in each year, or at such other time as a Secretary of State may from time to time appoint, make a report to a Secretary of State of all fires which 15 have been reported to him by the police, and in particular of all fires respecting which he has held inquiries, in pursuance of this Act, in the twelve months preceding the date of such report, or since the date of the last report so made by him.

Any such report shall be in such form and shall contain such 20 particulars as a Secretary of State may from time to time prescribe in that behalf.

Provision for assessors to coroners in certain cases.

5. A Secretary of State may, at his discretion, in any special case, from time to time appoint some person to act as an assessor with a 25 coroner upon an inquiry under this Act.

When an assessor is so appointed the coroner shall not act in relation to the inquiry otherwise than with such assessor, and such assessor shall attend the inquiry, and shall sign the report, or if he dissent therefrom shall specify in writing appended to the report such dissent, and the grounds thereof; but, except as aforesaid, an 30 assessor shall not, unless at the request of the coroner, interfere in the conduct of the inquiry.

There shall be paid to an assessor appointed in pursuance of this section, out of moneys to be provided by Parliament, such remuneration as a Secretary of State may, with the consent of the Treasury, 35 allow.

Provision for appointment of special officer by local authority.

6. The local authority, as herein-after in this section defined, for the county, riding, division, district, borough, or place for which any coroner acts, may, if they think fit, from time to time appoint and remove a special officer to act instead of such coroner for the 40 purposes of this Act; and any officer so appointed shall, for the said purposes, have all the same powers, authorities, duties, and

liabilities as to removal and otherwise as if he were such coroner; and where a special officer is so appointed all things to be done by or to such coroner for any of the said purposes shall be done by and to such officer, and the coroner in whose stead he is so appointed shall not act for any of the purposes of this Act.

Any such appointment shall be notified to a Secretary of State by the local authority, and until so notified shall not be deemed to have been duly made.

The local authority for the purposes of this Act shall be as follows; (that is to say,)

- (1.) In the case of a county or district of a county within the meaning of the Acts relating to county coroners, the justices of the peace for such county in general, annual general, or quarter sessions assembled :
- (2.) In the case of a borough within the meaning of the Acts relating to municipal corporations having a separate court of quarter sessions, the town council of such borough.

In the case of any borough within the meaning of the Acts relating to municipal corporations, which has not a separate court of quarter sessions, the town council of such borough, or in the case of any other place under the jurisdiction of commissioners, trustees, or other persons intrusted by any general or local Act with powers of improving, cleansing, or paving the place, such commissioners, trustees, or persons, may in like manner, with the consent of a Secretary of State, from time to time appoint a special officer to act for the purposes of this Act, instead of the coroner within the limits of such borough or place, and may remove any such officer, and all the provisions of this Act as to special officers shall apply in the case of any officer so appointed, and any appointment made by any other local authority shall not extend to such borough or place.

Notice of any intended appointment of an officer under this section shall be given to every coroner in whose stead such officer is to be appointed not less than *six months* previously to the time when such appointment is to take effect.

7. When an inquiry respecting a fire has been commenced in pursuance of this Act, it shall not be lawful for any insurance company to pay or make good any claim or damage consequent on such fire until after the report of the coroner has been transmitted by him to the clerk of petty sessions, as herein-before in this Act provided; and any proceedings commenced or prosecuted against an insurance company in respect of any such claim or damage, between the

Prohibition of payment of insurance claims pending inquiry.

A.D. 1871. commencement of such inquiry and the time when such report is so transmitted as aforesaid, shall be wholly void.

If any person pays or makes good any claim or damage, contrary to the provisions of this section, such person shall be liable, on summary conviction, to a penalty not exceeding *ten pounds*. 5

Powers of
authorised
fire brigades
in relation to
fires.

8. On the occasion of a fire at any premises any fire brigade or body constituted or authorised as herein-after in this section mentioned may enter such premises, and take possession of the same, and of any property which is therein, and may, until the expiration of *three* days from the time when such fire happened, or of such further time as two justices may from time to time by writing under their hands allow, retain possession of any premises or property which they have so entered, or whereof they have so taken possession; and if any person wilfully obstructs any such fire brigade or body in the execution of their powers under this section he shall 10 be liable, on summary conviction, to a penalty not exceeding *five* pounds. 15

The following shall be deemed to be fire brigades, or bodies duly constituted or authorised for the purposes of this section; namely,—

- (1.) Any fire brigade or salvage corps constituted by any general 20 or local Act within the limits for which it is so constituted; and,
- (2.) Any volunteer or other fire brigade or salvage corps or association for the time being authorised in this behalf by a warrant as herein-after mentioned. 25

A warrant for the purposes of this section, to have effect in a borough within the meaning of the Acts relating to municipal corporations, may be granted by the watch committee of such borough, or the major part thereof; and a warrant to have effect in any other place may be granted by the justices of the peace for the 30 county, riding, or division in which such place is situate, in general, annual general, or quarter sessions assembled, who shall for this purpose have jurisdiction in all places, whether within their ordinary jurisdiction or not, which are locally situate within the county, riding, or division for which they act. 35

Any such warrant shall have effect for such time as may be specified therein, not exceeding *three* months from the date thereof, and shall be according to the form specified in the schedule to this Act, and shall specify the names of three or more persons named therein; and anything done in pursuance of the provisions of this 40 section shall be deemed to be done under authority of such warrant if done by or under the immediate direction of any of such persons.

A.D. 1871.

Any such warrant may be revoked or cancelled by a Secretary of State, and also in the case of a warrant granted by a watch committee by such committee, and also in the case of a warrant granted otherwise than by a watch committee by the justices
5 having power to grant the same.

9. The following provisions shall have effect with reference to the expenses of inquiries held under the provisions of this Act; (that is to say,) Expenses of inquiries respecting fires.

- 10 (1.) The disbursements and expenses of a coroner upon such an inquiry (including the expenses of witnesses) shall be allowed, paid, and borne in the same manner as in the case of the disbursements of such coroner upon an inquest on the death of any person :
- 15 (2.) When the inquiry is held upon the application of a person interested who has made a deposit in pursuance of the provisions of this Act, if it appear to the coroner that the applicant had not at the time of making his application reasonable ground to believe the fire to have been caused or aggravated by the wilful or unlawful act or default of
20 any person, whether known or unknown, he shall direct all the expenses of the inquiry to be paid by such person to the extent of his deposit, and shall apply such deposit accordingly, accounting for the same in the accounts of his disbursements and expenses, and returning the balance, if any, of the deposit, after payment of such expenses, to
25 the person who made the same; but if it appear to the coroner that the applicant had such reasonable ground as aforesaid, the deposit shall be given up to or for the person who made the same :
- 30 (3.) A coroner who is paid by fees for inquests held by him in cases of death shall be entitled to the like fees and allowances in respect of any such inquiry, and such fees and allowances shall be paid, allowed, and borne as in the case of inquests or deaths :
- 35 (4.) A coroner who is paid by salary shall be allowed in respect of his duties under this Act such additional salary as may from time to time be fixed by the persons by whom and in the manner in which his salary in respect of his other duties is fixed :
- 40 Such additional salary of a coroner shall not in the first year after the commencement of this Act bear less proportion to his salary in respect of inquests on deaths than *half* the proportion borne by

A.D. 1871. the number of inquiries held by him under this Act to the number of inquests held by him in cases of death :

(5.) Where a special officer is appointed under the provisions of this Act, he shall be paid by salary, which shall be fixed and may from time to time be varied by the authority by whom he is appointed, and shall be paid, if he is appointed by justices for a county, out of the county rates, if he is appointed by the town council of a borough, out of the borough fund or rate, and if he is appointed by commissioners, trustees, or other like authority, out of any rate leviable by them.

Provisions as to informalities.

10. Nothing done under the provisions of this Act in relation to any inquiry shall be invalidated by reason of any accidental or immaterial defect in the conduct of such inquiry.

Existing coroners.

11. Any coroner in office at the time of the passing of this Act may, within *two months* after the passing of this Act, by notice in writing, addressed in the case of a county coroner to the clerk of the peace for the county, and in the case of a coroner for a borough having a separate court of quarter sessions to the town clerk of such borough, and in any other case to a Secretary of State, refuse to undertake the duties by this Act directed to be performed by coroners in respect of fires.

It shall not be necessary to give the notice of an intended appointment of a special officer by this Act directed to be given to a coroner in whose stead such officer is to be appointed to a coroner who has given such notice of refusal as aforesaid.

Saving clause.

12. Nothing in this Act shall be construed to interfere with the holding of any inquest ; and in any case where an inquest is held on the death of any person occasioned by or at a fire, there shall also, before or after such inquest, be held the inquiry (if any) directed by this Act,

When an inquiry respecting a fire is so held after an inquest on a death occasioned by or at the same fire, the depositions of witnesses taken upon such inquest, or copies thereof, may be used for the purposes of such inquiry, and shall have the same effect as if they had been taken on such inquiry.

Interpretation.

13. In this Act the words and expressions following have the meanings herein-after in this section assigned to them respectively ; (that is to say,)

The term "insurance company" includes any persons, corporate or unincorporate, or any person carrying on the business of fire insurance :

The term "a Secretary of State" means one of Her Majesty's A.D. 1871.
Principal Secretaries of State:

The term "the Treasury" means the Commissioners of Her Majesty's Treasury, or any two or more of them.

- 5 14. Inquiries for the purposes of this Act shall in Scotland be held by the procurator fiscal in the same manner, so far as may be, as in cases of suspected crime; and the provisions of this Act as to the cases in which inquiries are to be held, and as to the deposit to be made by applicants for inquiries, and as to the payment by
10 such applicants of the expenses of the inquiry in certain cases, and as to any fire brigade or body constituted or authorised as in this Act before mentioned, and as to the reports of fires to be made by officers of police, and as to annual reports to be made to a Secretary of State, and as to the prohibition of payment of claims pending an
15 inquiry, shall apply to Scotland, with the modifications following; (that is to say,)

Application
to Scotland.

- (1.) For a coroner there shall be substituted the procurator fiscal, and for a Secretary of State the Lord Advocate, and for the security to be given to the satisfaction of a coroner a
20 ~~sheriff~~ bond of caution to the satisfaction of a sheriff or sheriff substitute:

- (2.) The determination of whether an applicant who has made a deposit or given caution is liable to pay the expenses of the inquiry, and as to the amount of such expenses, shall
25 be made by the sheriff or sheriff substitute for the place where the inquiry is held, and the amount to be paid by such applicant shall be paid to the procurator fiscal, and applied by him in payment of the expenses of the inquiry.

Any expenses incurred by a procurator fiscal for the purposes of
30 *this Act shall be deemed part of the expenses of his office.*

Nothing in this Act shall interfere with any powers or duties of a procurator fiscal in relation to investigations in cases of suspected crime or otherwise.

Except as in this section mentioned, the provisions of this Act
35 shall not apply to Scotland.

15. This Act shall apply to Ireland, with the exceptions and modifications following; (that is to say,)

Application
to Ireland.

- (1.) Words referring to a Secretary of State shall be construed to refer to the Lord Lieutenant:
40 (2.) Words referring to boroughs having a separate court of quarter sessions shall be construed to refer to any borough the town council whereof has power to appoint a coroner,

A.D. 1871.
—

under the provisions of the Act for the time being in force respecting coroners in Ireland :

- (3.) The additional remuneration to be paid to a coroner in respect of his duties under this Act shall be paid, allowed, and borne in the same manner as his remuneration in 5 respect of his ordinary duties ; and the maximum amounts which may be presented for the payment of a coroner, under the provisions of the Acts for the time being in force respecting coroners in Ireland, shall, in the case of coroners acting for the purposes of this Act, be *twice* 10 the amounts respectively which may now be presented as aforesaid :
- (4.) The provisions of this Act as to scales of payments to witnesses, and as to the disbursements of a coroner, shall not apply to Ireland ; but the expenses of witnesses, and 15 the disbursements and mileage of the coroner upon an inquiry held under this Act in Ireland, shall be paid, allowed, and borne as in the case of an inquest held by the same coroner on the death of any person.

Commence-
ment of Act.

16. This Act shall not come into operation until the *first day* 20
of October one thousand eight hundred and seventy-one.

Short title.

17. This Act may be cited as “The Fires Act, 1871.”

SCHEDULE.

We, *A.B.*, *C.D.*, and *E.F.*, justices of the peace for the county
(*or* borough, &c.,) of (*or* members of the watch com-
mittee for the borough of) do hereby authorise the
5 (*here insert the title of the fire brigade, salvage corps, or other
association*) by (*here insert the names of three or more members
of the brigade, corps, or association*), or by any of the said persons,
to act for the purposes of the Fires Act, 1871, within the (county,
or division, *or* city, *or* borough, *or* ward, &c., as the case may be),
10 until the day of
(Signed) *A.B.*
C.D.
E.F.
Dated the day of

Fires.

A

B I L L

To make provision for inquiries into the
origin and circumstances of Fires.

(*Prepared and brought in by*
Mr. McLagan, Mr. Agar-Ellis, and
Mr. Charles Turner.)

Ordered, by The House of Commons, to be Printed,
17 February 1871.

[Bill 44.]

Under 2 oz.

2

93

Friendly Societies Commission Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
 2. Assistant Commissioners.
 3. Definition of "purposes of this Act."
 4. Establishment of court of inquiry for the purposes of this Act.
 5. Powers of court of inquiry.
 6. Indemnity to witnesses.
 7. Penalty for false swearing, &c.
- CLAUSE A.—Expenses.
8. Protection to persons appointed to conduct inquiries.
 9. Service of a summons.
 10. Protection to persons publishing true accounts of evidence.
 11. Limitation of actions.
-

A
B I L L

INTITULED

An Act for facilitating the Proceedings of the Commissioners appointed to inquire into the existing state of the Law relating to Friendly Societies. A.D. 1871.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

- W**HEREAS a Commission has been issued by Her Majesty to inquire into the existing state of the law relating to Friendly Societies, and to inquire into and to report upon the operation of the Acts relating to Friendly Societies and Benefit Building Societies, and the organisation or general condition of societies established under such Acts respectively, and upon the office and duties of the Registrar of Friendly Societies, with power to suggest any improvements to be made in the law with respect to the matters aforesaid : And whereas the Commissioners appointed under the said Commission have represented that it is expedient that a special investigation should take place in respect of certain matters relating to or connected with such societies as aforesaid, and the powers for conducting such investigation cannot be conferred without the authority of Parliament :
- Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the "Friendly Societies Commission Act, 1871." Short title
of Act.

2. Arthur Charles, Esquire, barrister-at-law, and Albert Venn Dicey, Esquire, barrister-at-law, shall be appointed Assistant Commissioners for the purposes of this Act, and as often as any vacancy occurs in the office of any Assistant Commissioner acting under this Act by reason of such Assistant Commissioner dying, resigning, declining or becoming incapable to act, one of Her Majesty's Principal Secretaries of State may from time to time fill up such vacancy. Assistant
Commis-
sioners.

There shall be paid to each of the said Assistant Commissioners out of moneys to be provided by Parliament such remuneration for their services under this Act as the Commissioners of the Treasury may direct.

A.D. 1871. **3.** "The purposes of this Act" shall mean the inquiring into and reporting to the Commissioners appointed under the said Commission, in such manner as they may direct, upon the operation of the Acts relating to Friendly Societies and Benefit Building Societies, and the organisation or general condition of societies established 5 under such Acts respectively, or into and upon any of such Acts or societies, or any matters tending to illustrate the operation of such Acts or any of them, or to show the organisation or general condition of such societies or any of them.

Establishment of court of inquiry for the purposes of this Act. **4.** One or more court or courts of inquiry for the purposes of this 10 Act may be constituted in manner following; that is to say, (1) of any one or more of the Commissioners appointed under the said Commission with the addition of an Assistant Commissioner, or (2) the two Assistant Commissioners, or of either of them: Provided that where the court is constituted of one Assistant Commissioner alone 15 he shall not have power to punish persons guilty of contempt unless authorised so to do by order of one of Her Majesty's Principal Secretaries of State.

Powers of court of inquiry. **5.** Any court of inquiry constituted under this Act may hold its sittings and conduct its inquiries at such time and place and in 20 such manner as it thinks fit, and shall have for the purposes of any inquiry instituted by it all such powers, rights, and privileges as are vested in any of Her Majesty's superior courts in England or Ireland, or in any judge thereof, or in the Court of Session in Scotland, or any judge thereof, on the occasion of any action or suit, in respect 25 of the following matters, or any of them:

- (a.) The enforcing the attendance of witnesses, and examining them on oath, affirmation, or otherwise, as they or he may think fit; and
- (b.) The compelling the production of documents; and 30
- (c.) The punishing persons guilty of contempt; and
- (d.) The ordering an inspection of any real or personal property:

And a summons under the hand or hands of one or more of the members of the court may be substituted for and shall be equivalent to any form of process capable of being issued at law in any action 35 or suit for enforcing the attendance of witnesses, or compelling the production of documents.

Any warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be under the

hand or hands of one or more of the members of the court, and shall specify the prison to which the offender is to be committed, and shall not authorise the imprisonment of any offender for a period exceeding three months. A.D. 1871.

5 For the purposes of this Act the members of the court of inquiry, or any of them, shall have power to enter and view any premises.

10 All superintendents of police, chief constables, headboroughs, gaolers, constables, and bailiffs shall and they are required to give their aid and assistance to any court of inquiry in the performance of its duties under this Act.

15 The gaoler or other chief officer of any prison refusing to receive into his prison any prisoner committed thereto in pursuance of this Act shall incur a penalty not exceeding five pounds, to be recovered summarily for every day during which such refusal continues.

20 Every examination of witnesses under this Act shall be conducted in public, and due notice shall be given of the time and place of holding the same, but with power to any court of inquiry to adjourn its meetings from any one place or time to another as occasion may require.

6. Any person examined as a witness before a court of inquiry under this Act who in the opinion of the court makes a full and true disclosure touching all the matters in respect of which he is examined, shall receive a certificate under the hands or hand of the members of the court, or one of them, stating that the witness has upon his examination made a full and true disclosure as aforesaid; and if any civil or criminal proceeding be at any time thereafter instituted against such witness in respect of any matter touching which he has been so examined, the tribunal before which such proceeding is instituted shall, on the production and proof of the certificate, stay the proceeding, and may in its discretion award to such witness any costs he may have been put to by the institution of the proceeding; provided that no evidence taken under this Act shall be admissible against any person in any civil or criminal proceeding whatever, except in the case of a witness who may be accused of having given false evidence before the court conducting the inquiry under this Act. Indemnity
to witnesses.

7. Every person who, upon examination upon oath or affirmation by any court of inquiry under this Act, wilfully gives false evidence, shall be liable to the penalties of perjury. Penalty for
false swear-
ing, &c.

A.D. 1871.

CLAUSE A.
Expenses.

The reasonable expenses incurred by any person who may be summoned to appear to give evidence before any court of inquiry under this Act, according to a scale to be approved by the Commissioners of Her Majesty's Treasury, may be allowed and paid to such person upon a certificate under the hands or hand of the members of the court of inquiry before whom such person was summoned or any one of them, and shall be deemed to be expenses incurred by the court for the purposes of this Act, and, together with all incidental expenses of the courts constituted by this Act, shall be paid by the Treasury out of moneys provided by Parliament.

5

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Protection to
persons ap-
pointed to
conduct
inquiries.

8. The members of any court of inquiry under this Act shall have such and the like protection and privileges, in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as is now by law or shall be given by any Act or Acts now or hereafter to be in force to justices acting in execution of their office.

15

Service of a
summons.

9. Service upon any person of a summons under this Act may be made by leaving the summons at his usual or last known place of abode or business.

Protection to
persons pub-
lishing true
accounts of
evidence.

10. No person shall be liable to any suit, action, indictment, or proceeding by reason of his publishing a true account of any evidence taken by any court of inquiry under this Act, or of any report of the Commissioners appointed under the said Commission.

20

Limitation of
actions.

11. No action shall be brought against any member of a court of inquiry under this Act, or any other person whomsoever, for any thing done in the execution of his duty under this Act, unless such action be brought within six calendar months next after the doing of such thing.

25

**Friendly Societies
Commission. [H.L.]**

A

B I L L

INTITLED

An Act for facilitating the Proceedings
of the Commissioners appointed to
inquire into the existing state of the
Law relating to Friendly Societies.

(*Brought from the Lords 11 August 1871.*)

*Ordered, by The House of Commons, to be Printed,
11 August 1871.*

[Bill 290.]

Under 1 oz.

A

B I L L

TO

Fix the times for killing certain Game Birds in Ireland.

A.D. 1871.

WHEREAS an Act was passed by the Parliament of Ireland in the session held in the thirty-seventh year of the reign of His Majesty King George the Third, intituled "An Act to amend the Game Laws," and it is expedient to repeal the said Act, and to make other provisions instead thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

10 1. This Act may be cited for all purposes as "The Game Laws (Ireland) Amendment Act, 1871." Short title.

2. This Act shall apply to Ireland only. Limitation of Act.

3. The Act passed by the Parliament of Ireland in the session held in the thirty-seventh year of the reign of His late Majesty King George the Third, intituled "An Act to amend the Game Laws," shall be and the same is hereby repealed. Repeal of 37 G. 3. c. 21.

4. From and after the *passing of this Act*, no person shall on any pretence whatsoever take, kill, destroy, carry, sell, buy, or have in his possession or use any moor game or grouse before the *twelfth day of August* or after the *ninth day of December* in any year, or any black or heath cock or grey hen before the *twentieth day of August* or after the *ninth day of December* in any year, or any partridge, land rail, or quail between the *first day of February* and the *tenth day of September* in any year; and if any person shall take, kill, destroy, carry, sell, buy, or have in his possession, or make use of, any moor game or grouse before the *twelfth day of August* or after the *ninth day of December* in any year, or any black or heath cock or grey hen before the *twentieth day of August* or after the *ninth day of December* in any year, or any partridge, land rail, or quail between the *first day of February*

[Bill 184.]

Time for killing grouse, partridges, &c.

A.D. 1871. and the *tenth day of September* in any year, every such person shall be liable to a penalty not exceeding *five pounds* for every such moor game, grouse, black or heath cock, grey hen, partridge, land rail, or quail.

Recovery of penalties.

5. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin Metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and with the like right and power of appeal as in the said Acts is given and provided for, and shall be applied according to the provisions of The Fines Act (Ireland), 1851, or any Act amending the same. 10 15

Game Birds (Ireland).

A

B I L L

To fix the times for killing certain Game
Birds in Ireland.

(Prepared and brought in by
*Mr. Henry Fitzwilliam, Viscount St. Lawrence,
and Colonel Forde.*)

*Ordered, by The House of Commons, to be Printed,
8 June 1871.*

[Bill 184.]

Under 1 oz.

A
B I L L

FOR

The Abolition of the Game Laws.

A.D. 1871.

WHEREAS various statutes have from time to time been enacted for the protection of certain species of wild animals for sporting purposes :

And whereas in consequence of such legislation some of the said
5 wild animals have in various parts of the country multiplied to an extent very injurious to the interests of the cultivators of the soil, as well as to the general well-being of the community, by diminishing the available produce of the land :

And whereas such excessive quantity of the said wild animals has
10 greatly contributed to the demoralization of the people, by affording continual temptation to breaches of the law :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
15 and by the authority of the same,—

1. That from and after the *fourteenth day of February one thousand eight hundred and seventy-two*, all those statutes providing for the protection, preservation, and sale of the wild animals aforesaid, namely, any game whatever, and any woodcock, snipe, quail, or
20 landrail, or any conies, or any deer, shall cease and determine; and after the commencement of this Act there shall be repealed the several Acts, or such portions of them as are inconsistent with this Act, mentioned in the schedule hereto annexed.

Repeal of
Acts.

A.D. 1871.
-----SCHEDULE.

List of Acts repealed.

13 Rich. 2. c. 13.	5 & 6 Vict. c. 81.	
Act of 1621, c. 31. Scotch Act.	7 & 8 „ c. 29.	
10 Will. 3. c. 8. Irish Act.	11 & 12 „ c. 29.	5
Act 1707, c. 13. Scotch Act.	11 & 12 „ c. 30.	
13 Geo. 3. c. 54.	23 & 24 „ c. 113.	
27 „ c. 35. Irish Act.	24 & 25 „ c. 91.	
37 „ c. 21. Irish Act.	24 & 25 „ c. 96.	
39 „ c. 34.	25 & 26 „ c. 114.	10
48 „ c. 93.	26 „ c. 19.	
9 Geo. 4. c. 69.	27 & 28 „ c. 67.	
10 „ c. 50.	28 & 29 „ c. 2.	
1 & 2 Will. 4. c. 32.	28 & 29 „ c. 11. s. 87.	
2 & 3 „ c. 68.	28 & 29 „ c. 12. s. 91.	15
2 & 3 „ c. 113. s. 9.	28 & 29 „ c. 54.	
5 & 6 „ c. 20. ss. 20 and 21.	32 & 33 „ c. 4.	
6 & 7 „ c. 65.	32 & 33 „ c. 5.	
	33 & 34 „ c. 57.	

Game Laws Abolition.

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BILL

For the Abolition of the Game Laws.

(Prepared and brought in by
Mr. Taylor, Mr. Dickinson, Mr. Jacob Bright,
Mr. James White, and Mr. M'Combie.)

*Ordered, by The House of Commons, to be Printed,
22 February 1871.*

[Bill 51.]

Under 1 oz.

Game Laws Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation clause.
3. No one to be proceeded against criminally for killing game.
4. Game to be the property of the occupier. In common land owner to be deemed occupier.
5. A person loitering at night, and suspected of any offence against this Act, may be apprehended.
6. Agreements in writing for less than three years to have the same force as if by deed.
7. How existing covenants as to game preserving to be enforced under this Act.

Licensing.

8. Repeal of present licenses under 23 & 24 Vict. c. 90.
9. Duties in lieu thereof to be hereafter charged.
10. Justices to hold special sessions for granting licenses to deal in game. Inland Revenue license only to be granted to persons licensed by justices.
11. Penalty on persons dealing in game or eggs of game without license, or dealing with persons not licensed.
12. Proviso as to partners.
13. License when to become void.
14. Exceptions as to innkeepers.
15. As to buying and selling game by the servants of licensed dealers.
16. Duties and licenses to be under the management of Commissioners of Inland Revenue.
17. Licenses to be in such form as Commissioners direct, and available for whole United Kingdom.

Clauses.

18. Lists of persons having licenses under this Act to be kept for inspection.
19. Persons doing anything requiring a license to produce the same on demand, or give their names, and penalty for refusal.
20. Possession of game illegal after certain days.

SCHEDULE.—Acts to be repealed.

A

B I L L

TO

Amend the Laws relating to Game.

A.D. 1871.

WHEREAS it is expedient to amend the law with regard to game, and to consolidate into one Act certain statutes now existing:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Game Laws Amendment Act, Short title. 1870.

10 2. The word "game" shall, for all purposes of this Act, include foxes, hares, rabbits, pheasants, partridges, grouse, heath or moor game, black game, woodcocks, swans, snipe, teal, wild duck, land-rails, water-rails, moorhens; and the words "to deal in game" shall mean to buy dead game for the purpose of selling it again.

Interpreta-
tion clause.

15 3. From and after the *passing of this Act*, no proceeding shall be taken in any criminal court, or before any justice or magistrate, against any person whatever, for having killed game at any time or in any place: Provided always, that nothing in this Act contained shall prevent any person from proceeding by way of civil action in
20 respect to any game that has been killed.

No one to be
proceeded
against
criminally
for killing
game.

4. All game shall be deemed to be the property of the occupier of the land on which it is reduced into possession, either by being killed or taken alive; and whosoever shall unlawfully and wilfully take any game, whether dead or alive, or the eggs of any birds that
25 are game, or wilfully destroy such eggs in the nest, shall, on conviction thereof before any two justices of the peace, be imprisoned only, or imprisoned and kept to hard labour, for any term not exceeding *six months*, or shall forfeit and pay, over and above the value of the game or eggs stolen, such sum of money not exceeding
30 *twenty pounds* as to the justices shall seem meet; and whoever,

Game to be
the property
of the occu-
pier.

24 & 25 Vict.
c. 96. ss. 12.
and 21.

1 & 2 W. 4.
c. 32. s. 24.

[Bill 30.]

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A.D. 1871. having been previously convicted of this or any like offence, shall be convicted again in like manner, shall be imprisoned and kept to hard labour for any term not exceeding *one year*; and whosoever having been twice convicted of any such offence, shall afterwards be convicted again in like manner, shall be guilty of felony, and shall 5 be liable to be punished in the same manner as in the case of simple larceny: Provided always, that for the purposes of this Act all waste and common lands, and all public roads and highways, shall be deemed to be in the occupation of the person or persons in whom the freehold of the soil is vested; but nothing in this Act contained 10 shall defeat or diminish the rights or privileges of any owners of cattlegates or rights of common over any waste or common lands.

Owner of common lands to be deemed occupier.

A person loitering at night, and suspected of any offence, may be apprehended.

Same as 24 & 25 Vict. c. 96. s. 104.

Agreements in writing for less than three years to have the same force as if by deed, 29 Car. 2. c. 3. s. 1. (Statute of Frauds.) 8 & 9 Vict. c. 106. s. 3.

How covenants now existing as to game preserving to be enforced under this Act.

5. Any constable or peace officer may take into custody without warrant any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall 15 have good case to suspect of having committed, or being about to commit, any offence against this Act, and shall take such person, as soon as reasonably may be, before a justice of the peace, to be dealt with according to law.

6. Any agreement with respect to entering or being upon any 20 land for the purpose of killing or taking any game thereon, put into writing and signed by the parties so making the same, or their agents thereunto lawfully authorized in writing, if made for a term not exceeding three years, shall have the same force and effect as if made by deed. 25

7. Where, by any deed, grant, lease, or any written or parol demise or contract, a right of entry upon any land for the purpose of preserving and killing or taking game hath been before the commencement of this Act reserved or retained by or given or allowed to any grantor, lessor, landlord, or other person whatever, the occu- 30 pier of such land shall be deemed to have covenanted with such grantor, lessor, landlord, or other person, his heirs, executors, administrators, and assignees, as follows; that is to say,

(1.) To permit such grantor, lessor, landlord, or other person, or any servant, or any person duly authorized by such 35 grantor, lessor, landlord, or other person, to enter and be upon such land, whenever he the said grantor, lessor, landlord, or other person shall think fit, and to do anything for the preservation of the game upon such land which by the aforesaid deed, grant, lease, or written or parol 40 demise or contract he has a right to do:

(2.) To hand over or permit to be taken away by such grantor, lessor, landlord, or other person all game reduced into possession by being killed or taken alive upon such land, and to prosecute or promote the prosecution of any person committing any offence under this Act upon such land :

5 (3.) Not to permit any other person to kill or take alive any game, or wilfully to disturb or destroy the nest or eggs of any birds that are game, and himself to abstain from killing or taking alive any game, or wilfully disturbing or
10 destroying the nest or eggs of any birds that are game, upon such land, without the licence of the grantor, lessor, landlord, or other person whom a right of entry upon such land for the purpose of preserving or killing game hath been reserved or retained by or given or allowed to.

15 *As to Licensing.*

8. From and after the *passing of this Act*, the respective duties or sums of money payable under the Act passed in the twenty-third and twenty-fourth years of Victoria, chapter ninety, for and upon the several licences to deal in game therein mentioned, shall
20 cease or determine, except as to any arrears of the said duties respectively, and as to any penalties incurred before the commencement of this Act.

Repeal of all present licences.
23 & 24 Vict. c. 90. s. 1.

9. In lieu of the duties hereby repealed, there shall be charged for and upon the following licences, when granted, the following
25 duties or sums of money respectively; (that is to say,) *for every licence to buy or sell game, or eggs of game, 2l.*; for every licence to sell game, 1l.

Duties in lieu thereof to be hereafter levied.
23 & 24 Vict. c. 90. s. 2.
30 Vict. c. 5. s. 3.

10. The justices of the peace of every county, riding, division, liberty, franchise, city, or town shall hold a special session in the
30 division or district in which they usually act, in the month of July in each succeeding year, and also at any other time, and from time to time, as often as they shall think fit, for the purpose of granting licences to deal in game, of the holding of which special sessions at least seven days notice shall be given to each of such justices
35 acting for such division or district; and the majority of such justices assembled at such session or some adjournment thereof, not being less than two, are hereby authorized to grant under their hands to any person being a householder or keeping a stall or shop within such division or district, and not being an innkeeper or victualler,
40 or licensed to sell beer by retail, nor being a carrier or higgler, nor being in the employment of any of the above-mentioned persons, a

Justices to hold special sessions for granting licences to deal in game.
1 & 2 W. 4. c. 32. s. 18.
2 & 3 Vict. c. 35. s. 4.
23 & 24 Vict. c. 90. s. 14, 15, 16.

A.D. 1871. licence, according to the form in the schedule, which licence shall continue in force for the period of *one year* next after the granting thereof, empowering the person to whom such licence shall be so granted to sell eggs of game, or to buy eggs of game, from any person who may lawfully sell the same, or to buy game at any place 5 from any person who may lawfully sell the same by virtue of this Act, for the purpose of selling it again; and every person who shall have obtained such licence as aforesaid shall annually, and during the continuance of such licence, and before he shall be empowered to deal in game or eggs of game under such licence, obtain a further 10 licence to deal in game or eggs of game, from the Commissioners of Inland Revenue, on payment of the duty by this Act charged thereon; provided that no licence to deal in game, or buy or sell eggs of game, shall be granted to any person by the Commissioners of Inland Revenue, except upon the production of a licence for the 15 purpose duly granted to him by the justices of the peace as aforesaid, and then in force.

Penalty on persons dealing in game without licence, or dealing with persons not also licensed.

1 & 2 W. 4. c. 32. ss. 25 and 27.

Proviso as to partners.

1 & 2 W. 4. c. 32. s. 21.

11. If any person shall sell game or eggs of game to any other person who has not obtained a licence to buy game or eggs of game from the Commissioners of Inland Revenue, or having himself 20 obtained a licence from the justices aforesaid, shall deal in game, or buy or sell eggs of game, before he shall have obtained a further licence from the Commissioners of Inland Revenue, or shall buy game or eggs of game from any person not authorized to sell game or eggs of game, he shall forfeit the sum of *twenty pounds*. 25

12. Provided always, that persons being in partnership, and carrying on their business at one house, shop, or stall only, shall not be obliged by virtue of this Act to take out more than one licence in any one year, to authorize them to deal in game at such house, shop, or stall. 30

Licence when to become void. 1 & 2 W. 4. c. 32. s. 22.

13. If any person having taking out any licence under this Act shall during the period of such licence be convicted of any offence whatever against this Act, such licence shall thereupon become null and void.

Exceptions as to innkeepers.

1 & 2 W. 4. c. 32. s. 26.

14. Provided always, that it shall be lawful for any innkeeper or 35 licensed victualler, without any such licence for dealing in game as aforesaid, to sell game for consumption in his own house, such game having been procured from some person licensed to deal in game, or to sell game only, and not otherwise.

As to buying and selling game by the

15. Provided always that the buying and selling of game by any 40 persons employed on the behalf of any licensed dealer in game, and

acting in the usual course of his employment, and upon the premises where such dealing is carried on, shall be deemed to be a lawful dealing in every case were the same would have been lawful if transacted by such licensed dealer himself; provided also, that
 5 nothing herein contained shall prevent any licensed dealer in game from selling any game which shall have been sent to him to be sold on account of any other licensed dealer in game.

A.D. 1871.

servants of
a licensed
dealer.1 & 2 W. 4.
c. 32. s. 29.

16. The duties and licences granted under this Act shall be
 excise duties and licences, and shall be under the management of
 10 the Commissioners of Inland Revenue; and all the powers, provisions, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under excise Acts, and now or at any time hereafter in force, shall respectively
 be in full force and effect with respect to the duties hereby granted,
 15 and the licences relating thereto, and the penalties hereby imposed, so far as the same are applicable, and shall be observed, applied, and enforced for and in the collecting, regulating, and recovering of the duties hereby granted, and the licences relating thereto, and the penalties hereby imposed, and otherwise in relation to the said
 20 duties, licences, and penalties, so far as the same shall be consistent with and not superseded by the express provisions of this Act, so fully and effectually as if the same had been herein repeated and specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively.

Duties and
licences to be
under the
management
of Commis-
sioners of
Inland Re-
venue.30 Vict. c. 5.
s. 4.23 & 24 Vict.
c. 90. s. 3.

25 17. The licences to be taken out under this Act shall be in such form, and shall be granted by such officers of Inland Revenue, and at such places as the Commissioners of Inland Revenue shall direct; and every licence shall commence from the day on which the same shall be granted, and shall terminate on the day of
 30 and shall be available for the purpose for which in any part of the United Kingdom.

Licences to
be in such
form as Com-
missioner
direct, and
available for
whole United
Kingdom.30 Vict. c. 5.
23 & 24 Vict.
c. 32. s. 18.

18. Every officer of the Inland Revenue appointed or authorized to grant licences under this Act shall in each year make out lists to be kept in his possession, containing the name and place of
 35 abode of every person to whom he shall have granted any licence under this Act, and shall cause the same to be advertised in such newspaper or published in such other manner as to the Commissioners of Inland Revenue shall seem proper, and such officer shall at all reasonable hours produce such lists or any of them to any
 40 person making application to inspect the same, and (except such person be a justice of the peace acting for the division or district

Lists of per-
sons having
licences
under this
Act to be
kept.23 & 24 Vict.
c. 90. s. 12.
and 15.30 Vict. c. 5.
s. 6.

A.D. 1871. in which such application is made, or a constable or other officer of the peace,) shall be entitled to demand and receive for every inspection the sum of *one shilling*.

Persons doing any Act requiring a licence to produce the same, on demand, or declare their names and places of residence. Penalty on refusing 20*l*. 23 & 24 Vict. c. 90. s. 10. 30 Vict. c. 5. s. 9.

19. If any person shall be discovered doing any act whatever in respect whereof a licence is required under this Act by any officer of Inland Revenue, or by any person who has duly taken out any licence under this Act, or by the occupier of the land on which such person shall then be, or by any servant of such occupier, it shall be lawful for such officer or other person aforesaid to demand and require from the person so acting the production of a licence issued to him, and the person so acting is hereby required to produce such licence to the person so demanding the production thereof, and to permit him to read the same, and (if he shall think) to take a copy thereof or of any part thereof, and if such person shall after such demand made refuse to produce and show a licence, or refuse to permit the same to be read or copied as aforesaid, or in default thereof refuse to give his Christian name and surname and place of abode, or if he shall produce any false or fictitious licence, or give any false or fictitious name or address, he shall forfeit a sum not exceeding *twenty pounds*.

20

Possession of game illegal after certain days. 1 & 2 W. 4. c. 32. s. 4.

20. If any person shall have in his possession any dead bird of game after the seventh day of March, such person shall on conviction before any two justices of the peace forfeit and pay for every head of game so in his possession any sum not exceeding *one pound*, together with the costs of conviction.

25

21. This Act shall come into operation on the day of and after the commencement of this Act there shall be repealed the several Acts specified in the schedule hereto annexed, to the extent in the said schedule mentioned.

SCHEDULE.

LIST OF ACTS REPEALED.

Date.	Title of Act.	Extent of Repeal.
9 Geo. 4. c. 69. -		The whole, except so far as it repeals any other Acts, or relates to Scotland.
1 & 2 Will. 4. c. 32. -		Ditto.
6 & 7 Will. 4. c. 65. -		Section 9.
2 & 3 Vict. c. 35. -		Section 4.
7 & 8 Vict. c. 29. -		The whole.
11 & 12 Vict. c. 29. -		The whole.
23 & 24 Vict. c. 90. -		The whole, except so far as it repeals any other Acts, or relates to Scotland or Ireland.
24 & 25 Vict. c. 96. -		Section 17.
25 & 26 Vict. c. 114. -		The whole.

Game Laws Amendment.

A

BILL

To amend the Laws relating to Game.

(Prepared and brought in by
Mr. Hardcastle, Mr. Leatham, and Mr. Straight.)

Ordered, by The House of Commons, to be Printed,
14 February 1871.

[Bill 30.]

Under 1 oz.

A

B I L L

TO

Amend and assimilate in certain respects the Laws of A.D. 1871.
England and Scotland relating to Game.

WHEREAS by the law of England the tenant in the occupation of land for the time has the sole right of killing and taking the game thereon, unless such right be expressly reserved by or granted to the landlord or any other person, and it is expedient to
5 assimilate in this respect the law of Scotland to that of England, and also to amend and assimilate in certain other respects the laws of England and Scotland relative to game, and to make certain provisions for the protection of tenant farmers against injury arising to them in consequence of any undue increase of hares and
10 rabbits when they are prohibited by their landlords from killing and taking these animals :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
15 and by the authority of the same, as follows ;

1. This Act may be cited for all purposes as "The Game Laws Short title.
Amendment Act, 1871."

2. For the purposes of this Act, the words and terms herein-after mentioned shall have and include the meanings herein-after
20 assigned to them ; that is to say, Interpre-
tation of
terms.

The term "lessor" shall mean the grantor of any lease of land for a year or a longer term, and also the person for the time in the right and subject to the obligations of the grantor with respect to such lease :

25 The term "lessee" shall mean the grantee of any lease of land for a year or a longer term, and also the person for the time in the right and subject to the obligations of the grantee with respect to such lease :

[Bill 71.]

A

A.D. 1871.

The term "game" shall be deemed to include, hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards :

The term "Martinmas" shall mean the eleventh of November :

The singular shall include the plural, and vice versá.

5

Acts re-
pealed.

3. The Act of the Scottish Parliament, one thousand six hundred and twenty-one, chapter thirty-one, "Anent hunting and hauling," is hereby repealed.

Tenants to
have the
sole right
to game and
rabbits un-
less reserved.

4. In all cases where any person shall occupy any land in Scotland as tenant under any lease or agreement made subsequently to the passing of this Act, such person shall have the sole right of killing and taking the game and rabbits upon such land, unless such right shall have been expressly reserved by the landlord or granted to him by the tenant, or except in so far as such right shall have been so reserved or granted.

15

English
tenants shall
not be dealt
with as
poachers in
respect of
hares and
rabbits, but
may be liable
for breach of
contract.

5. No lessee in the occupation of any land in England shall be liable to prosecution, or to any penalty or punishment, under the Act first and second William the Fourth, chapter thirty-two, intituled "An Act to amend the Laws in England relative to Game," or under any other Act or Acts of Parliament, for pursuing, killing, or taking hares or rabbits on such land, or for giving permission to any other person so to do; but the permission of a lessee without right shall not avail any person to whom it may be given: Provided always, that nothing herein contained shall protect a lessee against an action for breach of any contract whereby he is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee.

25

Scotch
tenants to be
liable for
breach of
contract
only.

6. No lessee in the occupation of any land in Scotland shall be liable to prosecution, or to any penalty or punishment, under any Act or Acts of Parliament, for pursuing, killing, or taking hares or rabbits on such land: Provided always, that nothing herein contained shall protect a lessee against an action for breach of any contract whereby he is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee.

30

No injunc-
tion or inter-
dict shall be
granted to
protect or
enforce any
contract in
this matter.

7. No injunction shall be granted in England, and no interdict shall be granted in Scotland, upon or in order to protect or enforce any contract whereby a lessee is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is lessee, but the lessor shall be left to his ordinary legal remedies, other than injunction or interdict, upon such contract.

40

8. When the exclusive right of killing hares or rabbits has been reserved by or granted to the lessor, and he shall fail or omit to keep down the stock of these animals to such extent as shall be fair and reasonable in justice to the lessee who is prohibited from killing them, such lessor shall be liable in damages to the lessee for the loss, injury, and damage caused to him by such failure or omission: Provided always, that in judging of the extent to which it is fair and reasonable that such stock should be kept down, and also in assessing damages, regard shall be had to the character and cultivation of the land, the amount of the rent as compared with the real value at the commencement of the lease, and the terms and conditions of the lease.

A.D. 1871.

Landlords shall keep down stock when rights are reserved.

9. Any lessee who, by himself or others for whom he is responsible, hunts, kills, or takes game or rabbits contrary to the terms of his lease or of his bargain with the lessor, shall be liable in damages for breach of contract, and the same may be recovered in the form and manner herein-after provided.

Tenant liable for breach of contract.

10. Any lessor who, to the injury and damage of the lessee, fails to fulfil the obligation incumbent on him under clause eight of this Act, shall be liable in damages as for breach of contract, and the same may be recovered in the form and manner herein-after provided.

Landlord liable for breach of contract.

11. In England, damages to any amount not exceeding *fifty pounds*, for which liability is incurred under the provisions of this Act, may be sued for in the county court within the district of which the lands upon which the claim of damages has arisen, or any part thereof, are situated, and the judge of such county court may remit to a man or men of skill to inspect the premises, and report, and shall try and decide the case without a jury.

Damages not exceeding fifty pounds to be sued for in county courts in England.

12. In England, when the damages claimed exceed *fifty pounds*, any action therefor shall be brought in one of the superior courts of common law at Westminster.

Damages exceeding fifty pounds to be sued for in superior courts.

13. In Scotland damages to any amount not exceeding *fifty pounds* for which liability is incurred under the provisions of this Act may be recovered by action before the sheriff of the county in which the lands or any part thereof are situated, and such action may be raised and proceeded with in the form and according to the procedure observed in the sheriffs small debt court, subject to the following provisions in cases where the amount sued for exceeds *eight pounds six shillings and eightpence*; viz., first, that counsel,

Damages not exceeding fifty pounds to be sued for in sheriff courts in Scotland according to procedure in small debt court, subject to certain provisions.

A.D. 1871. agents, and procurators shall be entitled to appear for the parties in such actions; second, that the sheriff shall take and preserve a note of the pleas of the parties, and any evidence that may be adduced; third, that the sheriff may remit to a man or men of skill to inspect the premises, and report; and, fourth, that when the sum sued for exceeds *twenty-five pounds*, the sheriff's judgment shall be subject to appeal to the Court of Session.

Damages exceeding fifty pounds to be sued for in Court of Session.

Time for bringing actions by lessor.

Time for bringing actions by lessee.

Appointment of arbiters.

Decision of arbiter valid though not in the form of a decree arbitral.

14. In Scotland, when the damages claimed exceed *fifty pounds*, any action therefor shall be brought in the Court of Session.

15. Any action by a lessor against a lessee for damages of the nature herein-before provided for shall be brought within *three months* of the date of the act or acts on account of which damages are claimed, and shall not thereafter be competent.

16. Any action by a lessee against a lessor for damages of the nature herein-before provided for shall be brought not later than *15 Martinmas* of the year in which the injury was done in respect of which the damages are claimed, and shall not thereafter be competent, and the year shall for the purposes of this Act be taken to run from Martinmas to Martinmas, and only two such actions shall be competent in the same year to the lessee against the lessor of any farm.

17. Any written agreement between a lessor and lessee to refer to arbitration claims of damages which have arisen or may thereafter arise between them of the nature herein-before provided for shall be valid and binding, although the arbiter or arbiters may not be named; and if either party shall refuse or fail for *ten* days after written notice to name an arbiter or arbiters, in pursuance of such agreement, the arbiter or arbiters named by the other shall be at liberty to proceed, and to act as if he or they had been duly appointed by both parties.

18. A written decision by an arbiter or arbiters named by the parties, or by one of them after the refusal or failure of the other, as aforesaid, or by an arbiter or arbiters duly appointed under any such agreement as is contemplated in the preceding section, or by an oversman duly appointed under any such agreement, shall be valid and effectual in a court of law according to the true intent and meaning thereof, although it shall not be in the form of a formal award or decree arbitral; and it shall be no objection to the agreement to refer, or to the nomination of an arbiter or arbiters, that the same is not contained in a formal deed, provided it be in writing admitted or proved to be genuine.

19. A lessee who is by contract or agreement with the lessor prohibited from killing hares or rabbits on the land let to him shall be at liberty before the term of Martinmas in any year to render to the lessor or his known factor or agent an account of the damage
 5 caused to him in that year by the failure or omission of the lessor to keep down the stock of these animals, and to name an arbiter to whom he is willing to refer his claim against the lessor for such damage, and, provided the amount claimed do not exceed *twenty-five* pounds, the lessor shall be bound within *fourteen* days of the
 10 receipt of such account and nomination to name an arbiter to act for him in regard thereto; and the arbiters named by the parties respectively shall be entitled to decide finally upon the lessee's claim, or, if they cannot agree, to name an oversman or umpire, who shall be entitled finally to decide upon the same; and should the
 15 lessor fail to name an arbiter within the time hereby limited, the arbiter named by the lessee shall be entitled finally to decide upon the claim.
20. No proceedings under the preceding clause shall be void for want of form, and the arbiter or arbiters, umpire or oversman,
 20 having jurisdiction by virtue thereof, shall be at liberty to determine the course of procedure, and the nature and extent of the inquiry which it is proper to make, and their decision or decisions shall be final, and although informal may be enforced by action in a court of law.
- 25 21. It shall not be competent to any lessee to have in respect of the same farm more than two such arbitrations as aforesaid in any one year, and such arbitrations shall preclude actions by him in the same year for damage caused by hares or rabbits upon such farm.
- 30 22. This Act shall come into operation from and after the first day of February one thousand eight hundred and seventy-two.

A.D. 1871.

Lessee to
render an
account and
name an
arbiter.

Proviso as
to amount
claimed.

Proceedings
not void for
want of
form.

Two arbitra-
tions in one
year.

Commence-
ment of Act

Game Laws Amendment (No. 2).

A

B I L L

To amend and assimilate in certain respects the Laws of England and Scotland relating to Game.

(*Prepared and brought in by
the Lord Advocate and Mr. Secretary Bruce.*)

*Ordered, by The House of Commons, to be Printed,
13 March 1871.*

[Bill 71.]
Under 1 oz.

A.

B I L L

TO

Amend the Game Laws in Scotland.

A.D. 1871.

WHEREAS the Acts specified in the schedule to this Act annexed, and herein-after referred to as the game laws, have been passed for the preservation of game in Scotland:

And whereas in various parts of Scotland serious evils have
 5 arisen from an excessive increase in the numbers of hares and rabbits which has been encouraged or permitted to take place in the midst of cultivated districts; and it is expedient that the game laws be amended with a view to the removal of these evils:

Be it enacted by the Queen's most Excellent Majesty, by and
 10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. This Act may be cited for all purposes as "The Game Laws Short title.
 Amendment (Scotland) Act, 1871."

15 2. In this Act the following words shall have the meanings hereby assigned to them respectively: Interpretation.

"Tenant" shall mean any person in the occupation of any lands under any lease or agreement of lease, written or verbal:

"Lessor" shall mean any person being the owner or entitled to
 20 receive the rents of any lands occupied by a tenant:

"Sheriff" shall mean the sheriff of the county of which he is sheriff, and shall include sheriff substitute.

3. From and after the *passing of this Act*, it shall be lawful for
 any tenant, by himself, or any person employed by him, and having
 25 his authority or permission, to kill and take hares and rabbits on the lands occupied by him, subject to the provisions herein-after contained, and to have in his custody or possession hares and rabbits so killed or taken.

Tenant may
 kill hares
 and rabbits.

[Bill 4.]

A

A.D. 1871.

Tenant not
to be
divested of
right to kill
hares and
rabbits.

4. It shall not be lawful for any lessor and tenant or any lessee of shootings and tenant after the *passing of this Act* by any lease or agreement between them respectively, verbal or written, or otherwise, to divest or deprive such tenant of the power to kill and take hares and rabbits by this Act conferred on him, or to restrict him in the exercise of that power; and any lease or agreement entered into or made in contravention of this section shall be void and of no force or effect.

Notice by
tenant to
lessor where
right to kill
hares or
rabbits is
reserved in
lease.

5. Any tenant holding under a lease existing at the passing of this Act, in which the right to kill hares or rabbits is reserved to his lessor, may give notice in writing to his lessor that he intends under the provisions of this Act to kill and take hares and rabbits, or either of them, upon the lands occupied by him, and upon such notice being given, and upon payment by such tenant to his lessor, during the term or currency of such lease, of such annual stipulated abatement or allowance from the rent, if any, as may have been expressed in such lease in consideration of the reservation therein by the lessor of the right to kill hares or rabbits, or where no stipulated abatement or allowance from the rent is provided by such lease upon payment by such tenant to his lessor during the term or currency of such lease, of such compensation, if any, as may be agreed on or may be fixed by a valuator, to be named by the sheriff on the application of the lessor or the tenant, it shall be lawful for such tenant to kill and take hares and rabbits as provided by this Act.

25

Compensation for
damage
caused by
undue number of hares
and rabbits.

6. Any owner or occupier of any lands may present a summary petition to the sheriff, complaining of damage sustained by him from hares or rabbits on any lands adjoining to or in the vicinity of the lands belonging to or occupied by him, and the sheriff shall thereupon appoint a copy of such petition to be served on the owner and occupier of the lands in regard to which such complaint is made, and shall within *six* days after the presentation of such petition appoint a competent person to inquire into such petition, and to report whether there is an undue number of hares or rabbits on such last-mentioned lands, and to value the damage, if any, caused thereby; and the sheriff, on receiving such report and valuation, shall, after hearing parties thereon by themselves or their agents *vivá voce*, if they appear before him, or if after due notice they fail to appear before him, consider and dispose of such petition and report, and may find that the petitioner is entitled to such sum as the sheriff thinks fit as compensation for damage sustained by him, and shall order such sum to be paid by the owner or the occupier

of such last-mentioned lands, or by them jointly, or in such proportions as the sheriff may determine. A.D. 1871.

7. The expenses incurred in or with respect to any petition presented to the sheriff under the provisions of this Act and the proceedings thereon shall be in the discretion of the sheriff; and he may find either of the parties to such proceedings liable to the other in such expenses, or may modify the same as he thinks fit. Cost of proceedings.

8. Any judgment pronounced by the sheriff substitute in a petition or proceedings under the provisions of this Act may be appealed to and reviewed by the sheriff, and all interlocutors or judgments pronounced by the sheriff substitute and not appealed to the sheriff, and all interlocutors or judgments pronounced by the sheriff, in petitions or proceedings under the provisions of this Act, shall be final and not subject to appeal or review in any court or by any process whatsoever. Judgments of the sheriff to be final.

9. From and after the *passing of this Act*, all offences against the game laws now cognizable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into and determined by the sheriff of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under those laws shall cease and determine; and all powers, authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff, and any forms or procedure applicable to prosecutions or proceedings before justices of the peace shall, *mutatis mutandis*, be applicable to prosecutions and proceedings before the sheriff; and it shall be competent for the prosecutor, or for the defender or party accused who shall have been brought before the sheriff substitute in the first instance, to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is provided by any of the Acts specified in the schedule to this Act annexed that it shall be competent to appeal from the decision of justices of the peace to the quarter sessions, and subject to the same regulations as are provided in the said Acts or any of them: Provided, that it shall be lawful for the sheriff, in pronouncing sentence for any offence under any of the game laws, to modify any pecuniary penalty or any term of imprisonment specified in such game laws in such manner and to such extent as he may think fit. Prosecutions under game laws to be before sheriff.

10. Any person who has been or shall be convicted of any act as being an offence under any of the game laws, shall not be liable to

Persons convicted not to be prosecuted

A.D. 1871. be again prosecuted for the same act as being an offence under any other of the game laws.

again for the same offence.

Tenants not liable to assessed taxes or licences.

11. Any tenant, or any person employed by him, and having his authority or permission, who may kill or take hares or rabbits under the provisions of this Act, shall not thereby become liable to pay 5 any assessed taxes or excise duties, or be bound to take out any licence or game certificate.

Saving existing leases of shootings.

12. The provisions of this Act shall not apply to or affect any lands included in leases existing at the passing of this Act, of game or shootings, to persons not being the occupiers of such lands, during 10 the term or currency of such leases: Provided always, that the tenant of any lands included in such leases of game or shootings may present a summary petition to the sheriff complaining of damage sustained by him from hares or rabbits on such lands, and the same proceedings shall take place on such petition as are 15 herein-before provided with respect to the petition of an owner or occupier of lands, and the sheriff may find that the petitioner is entitled to such sum as the sheriff thinks fit as compensation for damage sustained by him. Provided also, that the lessee of such game or shootings shall with reference to any petition which 20 may be presented under the provisions of this Act for recovering compensation for damage caused by hares or rabbits, and the proceedings thereon be regarded as the occupier of lands in regard to which any complaint may be made and be liable accordingly.

Act to apply to Scotland only.

13. This Act shall apply to Scotland only.

SCHEDULE.

A.D. 1871.

The ACTS referred to in this Act as the GAME LAWS.

- 5 An Act of the Parliament of Scotland passed in the year 1587, chapter 59, intituled "Slayers of wilde beastes committes theft."
- An Act of the Parliament of Scotland passed in the year 1621, chapter 31, intituled "Anent hunting and haulking."
- An Act of the Parliament of Scotland passed in the year 1707, chapter 91, intituled "An Act for preserving the game."
- 10 An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3, chapter 54.
- An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4, chapter 69.
- 15 An Act to amend the laws in England relative to game. 1 & 2 William 4, chapter 32.
- An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4, chapter 68.
- 20 An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.
- 25 An Act to extend an Act of the ninth year of King George the Fourth, for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.
- An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 20.
- 30 An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.
- 35 An Act to amend the laws relating to the inland revenue. 24 & 25 Victoria, chapter 91.
- An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.
- 40 [4.]

Game Laws (Scotland)
Amendment.

A

B I L L

To amend the Game Laws in Scotland.

(Prepared and brought in by
*Mr. Loch, Sir Robert Anstruther, and
Mr. Parker.*)

*Ordered, by The House of Commons, to be Printed,
10 February 1871.*

[Bill 4.]

Under 1 oz.

A

B I L L

TO

Amend the Laws relating to Game in Scotland.

A.D. 1871.

WHEREAS divers Acts of Parliament have from time to time been passed relating to the preservation of game in Scotland, and those Acts are enumerated in the schedule to this Act, and are in this Act referred to as "the game laws:"

Preamble.

5 And whereas it is expedient that the game laws should be amended, and that the following provisions should be made with reference to those laws :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Game Acts Amendment (Scotland) Act, 1871."

Short Title.

2. In this Act, unless there be something in the subject or context repugnant to such construction,

Interpretation of terms.

(1.) The word "tenant" shall mean any person now or hereafter in the occupation of lands in Scotland under any lease or agreement of lease, written or verbal :

(2.) The word "lessor" shall mean any person entitled to the rent of such lands :

(3.) The word "county" shall include stewartry, and also any ward or other like division of a county or stewartry :

(4.) The word "sheriff" shall include sheriff substitute.

3. From and after *the passing of this Act* hares and rabbits shall not be deemed to be game within the meaning of the game laws, nor shall any of the provisions of those laws apply to the taking, killing, or destroying of hares or rabbits.

Hares and rabbits not to be deemed game.

4. From and after *the passing of this Act* no interdict shall be granted upon or in order to protect or enforce any contract whereby a tenant is restrained from pursuing, killing, or taking hares or rabbits on the land of which he is tenant, but the lessor

[Bill 21.]

A

A.D. 1871. shall be left to his ordinary legal remedies, other than interdicts, upon such contract.

Prosecutions
under game
laws to be
before
sheriff.

5. From and after *the passing of this Act* all offences against the game laws now cognizable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into 5 and determined by the sheriff or sheriff substitute of the county or of any district of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under those laws shall cease and determine; and all powers, 10 authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff or sheriff substitute as aforesaid; and any forms, styles, or procedure applicable to prosecutions or proceedings before justices of the peace shall, mutatis mutandis, be applicable to prosecutions and pro- 15 ceedings before the sheriff or sheriff substitute as aforesaid; and it shall be competent for the prosecutor, or for the defender or party accused who shall have been brought before the sheriff substitute, in the first instance to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is 20 declared by any of the game laws that it shall be competent to appeal from the decision of the justices to the quarter sessions, and subject to the same regulations as are provided in the said game laws.

No person
to be prose-
cuted again
for same
offence.

6. From and after *the passing of this Act* any person who has 25 been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the game laws shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the game laws.

Compensa-
tion for
damage
arising to
tenants.

7. From and after *the passing of this Act* a tenant shall be 30 entitled to recover compensation from his lessor for any damages he may sustain in consequence or by reason of the increase of hares, rabbits, or game unduly encouraged or not duly prevented by the lessor on the lands occupied by the tenant during the currency of his lease, provided such increase shall arise sub- 35 sequent to the passing hereof, and such compensation shall be sued for and recoverable only in the sheriff court of the county wherein the lands in respect of which the said damage is alleged to have been sustained are situate.

The tenant shall proceed to recover compensation in manner 40 following: the tenant shall give notice to the lessor of the damage he has sustained, and of his intention to apply to the sheriff for

compensation in not less than six days after such notice has been given; in the case of the damage being done to growing crop, such notice shall be given to the lessor at least three weeks before the crop is reaped or raised. The application to the sheriff shall be

A.D. 1871.

5 made by summary petition, setting forth the terms of the lease, and the particulars of the damage complained of, and praying for a valuation and for payment of the amount.

10 On considering such petition the sheriff shall appoint it to be intimated to the lessor in common form, and shall forthwith, with or without answers, appoint a valuator to value such damage, and report.

15 It shall be competent to either party to be heard before the sheriff in support of or in objection to the report of the valuator, but it shall not be competent to take any further evidence; provided that the sheriff may remit to the valuator to reconsider his report, and may resume consideration of his report, with any alteration he may have made thereon. The report of the valuator on being approved of by the sheriff, and the judgment of the sheriff approving, altering, or rejecting the same, shall be final, and shall not be subject to

20 review.

This clause shall not prejudice or affect any lease or leases of game existing at the date of the passing of this Act.

8. This Act shall apply to Scotland only.

Act to apply
to Scotland
only.

A.D. 1871.

SCHEDULE.

The GAME ACTS referred to in this Act.

- An Act of the Parliament of Scotland, passed in the year 1587,
chapter 59., intituled "Slayers of wilde-beastes committes
theft." 5
- An Act of the Parliament of Scotland, passed in the year 1621,
chapter 31., intituled "Anent hunting and haulking."
- An Act of the Parliament of Scotland, passed in the year 1707,
chapter 91., intituled "An Act for preserving the game."
- An Act for the more effectual preservation of the game in that 10
part of Great Britain called Scotland, and for repealing and
amending several of the laws now in being relative thereto.
13 George 3., chapter 54.
- An Act for the more effectual prevention of persons going armed by
night for the destruction of game. 9 George 4., chapter 69. 15
- An Act to amend the laws in England relative to game. 1 & 2
William 4., chapter 32.
- An Act for the more effectual prevention of trespasses upon pro-
perty by persons in pursuit of game in that part of Great
Britain called Scotland. 2 & 3 William 4., chapter 68. 20
- An Act to continue for one year compositions for assessed taxes,
and to alter the period for the expiration of game certificates,
and for granting licences to deal in game. 2 & 3 Victoria,
chapter 35.
- An Act to extend an Act of the ninth year of King George the 25
Fourth for the more effectual prevention of persons going
armed by night for the destruction of game. 7 & 8 Victoria,
chapter 29.
- An Act to enable all persons having at present a right to kill hares
in Scotland to do so themselves, or by persons authorized by 30
them, without being required to take out a game certificate.
11 & 12 Victoria, chapter 20.

- An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90. A.D. 1871. —
- 5 An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.
- An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

Game Laws (Scotland)
Amendment (No. 2).

A

B I L L

To amend the Laws relating to Game
in Scotland.

(Prepared and brought in by
Mr. McLagan, Sir Alexander Maitland, and
Mr. Orr Ewing.)

Ordered, by The House of Commons, to be Printed,
13 February 1871.

[Bill 21.]

Under 1 oz.

Game Laws and Trespass Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Interpretation.
 3. Hares and rabbits not to be game.
 4. Covenants and agreements as to hares and rabbits.
 5. Compensation for damage by hares and rabbits.
 6. Rating of game in England.
 7. Tenants in Scotland entitled to game, unless reserved.
 8. Saving clause.
 9. Extent of Act.
-

A
B I L L

TO

Amend the Laws relating to Game and Trespass on Land. A.D. 1871.

WHEREAS it is expedient to amend the laws relating to game and to trespass on land :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, 5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Game and Short title. Trespass Act, 1871."

2. In this Act, expressions referring to a lease include an agree- Interpretation.
10 ment for a lease.

3. After the passing of this Act, the following provisions shall have effect with respect to the pursuit, taking, killing, and sale of hares and rabbits ; (that is to say,) Hares and rabbits not to be game.

15 (1.) Hares and rabbits shall not be deemed game for any purpose, and any person may, subject only to an action for trespass, or to such proceedings for trespass as are herein-after in this section mentioned, pursue, take, kill, and sell hares or rabbits without any certificate or license :

20 (2.) Subject to the provisions of this Act as to existing interests, no right or privilege of pursuing, taking, or killing hares or rabbits, or of entering on land in search or pursuit of hares or rabbits, shall be capable of being granted, reserved, or exercised by any person over land in the occupation of another person, otherwise than by agreement with the occupier for the time being :

25 (3.) Hares and rabbits shall, when killed or otherwise reduced into possession, be the property of the occupier of the land on which they are so killed or reduced into possession

30 (4.) If any person trespass on land in search or in pursuit of hares or rabbits, he shall, on summary conviction before

[151.]

A. 2

A.D. 1871.

a justice of the peace, be liable to a penalty not exceeding *forty shillings* :

- (5.) If any person is found trespassing on any land in search or in pursuit of hares or rabbits, it shall be lawful for the occupier of the land, by himself, or by any other person, to 5 require him to quit the land of such occupier, and to tell his name and place of abode, and if after such requisition he offend by continuing on or by returning to such land, or by refusing or neglecting to tell his true name and place of abode, he may be apprehended, without warrant, 10 by the occupier, or by any person acting under the direction of the occupier, and detained until he can be carried before a justice of the peace :

- (6.) A person shall not be proceeded against both by action of trespass and by proceedings under this section in respect 15 of the same Act.

Nothing in this section contained shall affect the law relating to larceny, or the provisions of the Act of the ninth year of George the Fourth, chapter sixty-nine, intituled "An Act for the more 20 " effectual prevention of persons going armed by night for the " destruction of game," or make it lawful for any person to use firearms or guns of any description by night for the purpose of killing hares or rabbits, or to lay any poison on any ground, whether open or enclosed, for the purpose of killing hares or rabbits. 25

Covenants
and agree-
ments as to
hares and
rabbits.

4. Any covenant in a lease to be made after the passing of this Act, whereby any right to pursue, take, or kill, or to enter on land for the purpose of pursuing, taking, or killing, hares or rabbits, is reserved to any person, or whereby the occupier may be bound not to pursue, take, or kill, or not to permit other persons to pursue, 30 take, or kill, or enter on the land for the purpose of pursuing, taking, or killing, hares or rabbits, shall be void and of no effect so far as it relates to the matters aforesaid.

Nothing in this section shall be construed to avoid or affect a separate agreement made by an occupier with his lessor or with 35 any other person in respect of any of the matters aforesaid. Any such agreement may be made for any period by writing without seal, and shall not be capable of being enforced otherwise than by action for the actual damage sustained by breach thereof.

Compensa-
tion for da-
mage by
hares or
rabbits.

5. An occupier of land (herein-after referred to as "the 40 claimant") shall be entitled to compensation for damage done to his land, crops, fences, or underwood by hares or rabbits main-

tained in excessive and unreasonable numbers on any land not in his occupation. A.D. 1871.

The compensation shall be payable—

- 5 *a.* When by reason of a lease made before the passing of this Act the occupier of the land on which the hares and rabbits are so maintained has not a right to kill them, then by the person or persons to whom such right for the time being belongs :
- 10 *b.* In other cases, by the occupier of the land on which the hares and rabbits are so maintained.
- The person by whom the compensation is payable is herein-after referred to as “the defendant.”
- The compensation shall be recoverable by the claimant from the defendant as follows, and not otherwise ; (that is to say,)
- 15 (1.) The claimant may serve a notice in writing on the defendant stating the particulars of his claim :
- (2.) The notice may be served either on the defendant personally, or by leaving the same at his usual or last known place of abode or of business :
- 20 (3.) Not less than *fourteen days* after service of the notice the claimant may commence proceedings against the defendant in the court having jurisdiction as herein-after in this section provided :
- (4.) The court may at any time, with the consent of the claimant and defendant, appoint a referee or referees to determine all matters relating to the claim, and may, in the event of any referee declining or becoming incapable to act, or of a difference arising between referees, from time to time appoint (whether or not the parties consent) a new referee or referees, or an umpire, as the case may require ; and any determination of a referee or referees or umpire so appointed shall have the same effect as a judgment of the court :
- 25 (5.) If the parties do not agree to the appointment of a referee or referees the court shall have the like powers and jurisdiction to hear and determine the matters in dispute which it may have in any cause or matter within its jurisdiction, and any proceedings under this section shall be in such form as the court may direct :
- 30 (6.) The court shall have power, whenever the matter in dispute is to be decided by the court, from time to time to appoint a surveyor, valuer, or other competent person to report to the court on any matter referred to him by the court.

A.D. 1871.

The expenses of any referee, umpire, surveyor, valuer, or other person appointed under the provisions of this section shall be borne as the court may direct :

- (7.) The court for the purposes of this section shall in England be the county court, and in Scotland the sheriff court; 5
and for the purposes of this section the court shall have jurisdiction to any amount :
- (8.) The decision of the referee, referees, umpire, or court shall not (unless the sum awarded exceeds one hundred pounds) be subject to any appeal or review, except by the special 10
leave of the court, which the court may grant or withhold at its discretion, with or without any conditions :
- (9.) Compensation shall not be payable to a claimant under this section in respect of any damage done more than *three* 15
months before service of his notice of claim :
- (10.) The court may make such order as it thinks fit for the consolidation of claims by several claimants against the same defendant, or against several defendants by the same claimant :
- (11.) Any covenant or agreement, whereby a tenant or occupier 20
might be bound not to claim compensation under the provisions of this section shall be wholly void :
- (12.) This section shall apply to existing as well as future demises.

Rating of
game.

6. The occupier under any demise of land made after the passing 25
of this Act shall be separately rateable in respect of the value of all rights of pursuing and taking game upon his land as part of the value of his occupation, whether such rights are reserved by the lessor or not.

Where such rights are reserved by the lessor the tenant 30
may from time to time deduct from any unpaid rent the amount of any rates paid by him under the provisions of this section.

Where the rights in respect of which the rates are paid, being a hereditament in gross, are vested in some person other than the 35
lessor or occupier, the occupier may, after demand made upon such person for repayment of the rates so paid, and after default made in repayment thereof by such person for one month from the service of the demand, exercise by himself or by any other person or persons all such rights of pursuing and taking game over the land 40
in his occupation as might be exercised by such person.

Tenants in
Scotland en-
titled to game

7. Under any lease of land in Scotland made after the passing of this Act all the rights of the lessor in respect of the pursuing,

killing, and taking of game upon such land shall pass to the lessee for the term of his lease, except in so far as any of such rights may be expressly reserved in the lease. A.D. 1871.
—
unless re-
served.

8. Nothing in this Act shall invalidate any covenant in a lease
5 made before the passing of this Act whereby a tenant has bound
himself to preserve, or not to destroy, or not to permit the
destruction of hares or rabbits. Saving
clause.

Where a right of pursuing, taking, and killing game over any
lands, being a hereditament in gross, has by a lease or grant made
10 before the passing of this Act been let or granted for valuable
consideration to any person, such person shall during the con-
tinuance of the lease or grant have a concurrent right with the
occupier of the lands to pursue, take, and kill hares and rabbits
thereon, and any hares or rabbits so taken or killed by him shall
15 be his property.

9. This Act shall not extend to Ireland.

Extent of
Act.

**Game Laws and Tres-
pass.**

A

B I L L

To amend the Laws relating to Game
and Trespass on Land.

(Prepared and brought in by
Sir Henry Selwyn-Ibbetson, Sir Smith Child,
Mr. Goldney, Sir Graham Montgomery, and
Colonel Corbett.)

*Ordered, by The House of Commons, to be Printed,
18 May 1871.*

[Bill 151.]
Under 1 oz.

A
 B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Aldeburgh Water, Birkdale Gas, Bognor Gas, Bognor Water, Burgess Hill and Saint John's Common Water, Frome Water, Gisborough Water, Hawkhurst Gas, Herne Bay Water, Holywell Water, Knutsford Gas and Water, Northampton Gas, North Middlesex Gas, Pembroke Docks and Town Gas, Portmadoc Water, Southbank and Normanby Gas, Southend Water, Staines and Egham Gas, Stourbridge Gas, and Taunton Gas. A.D. 1871.

WHEREAS a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Gas and Water Orders Confirmation Act, 1871. Short title.

2. The several Orders set out in the schedule to this Act shall be confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

A.D. 1871.

SCHEDULE OF ORDERS.

1. WATER ORDERS.

1. ALDEBURGH.—Order empowering the Aldeburgh Waterworks Company, Limited, to construct Waterworks and to supply Water in the town of Aldeburgh and its vicinity, in the county of Suffolk. 5
2. BOGNOR.—Order empowering the Bognor Water Company, Limited, to construct Waterworks and to supply Water in the town of Bognor and its vicinity, in the county of Sussex.
3. BURGESS HILL.—Order empowering the Burgess Hill and St. John's Common Water Company, Limited, to construct Waterworks, and to supply Water, in the parishes of Ditchling, Keymer, and Clayton, in the county of Sussex. 10
4. FROME.—Order empowering the Frome Water Company, Limited, to construct Waterworks, and to supply Water, in the parish of Corsley in the county of Wilts, and the parishes of Frome, Rodden, and Marston Bigott in the county of Somerset. 15
5. GISBOROUGH.—Order conferring powers for the construction of Waterworks and for the supply of Water to Gisborough, in the north riding of the county of York.
6. HOLYWELL.—Order conferring powers for the construction and maintenance of Waterworks and works connected therewith in the parish of Holywell, and for the supply of water to the town of Holywell, and parts of the townships of Greenfield and Brynford in the said parish of Holywell. 20
7. HERNE BAY.—Order empowering the Herne Bay Waterworks Company to raise additional Capital. 25
8. PORTMADOC.—Order conferring powers for the maintenance and continuance of Waterworks and works connected therewith at Portmadoc, and for the supply of Water to the parishes of Llanfihangel-y-Traethau in the county of Merioneth, and Ynyscynhaiarn in the county of Carnarvon. 30
9. SOUTHEND.—Order empowering the Southend Waterworks Company (Limited) to maintain and continue Waterworks and works connected therewith at Southend in the county of Essex, and to supply Water to Southend, Prittlewell, and Southchurch in the county of Essex. 35

2. GAS ORDERS.

10. BIRKDALE.—Order empowering the Birkdale Gas Company (Limited) to construct Gasworks in and to manufacture and supply Gas to the township of Birkdale in the county of Lancaster.

A.D. 1871.

11. BOGNOR.—Order empowering the Bognor Gaslight and Coke Company, Limited, to maintain and continue Gasworks, and to manufacture and supply Gas in the town of Bognor and its vicinity in the county of Sussex.
- 5 12. HAWKHURST.—Order empowering the Hawkhurst Gas Company, Limited, to maintain and continue Gasworks, and to manufacture and supply Gas in the parish of Hawkhurst in the county of Kent.
13. NORTHAMPTON.—Order empowering the Northampton Gaslight Company to raise additional Capital.
- 10 14. NORTH MIDDLESEX.—Order empowering the North Middlesex Gas Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas, in portions of the parishes of Hendon and Finchley in the county of Middlesex.
- 15 15. PEMBROKE DOCKS AND TOWN GAS.—Order empowering the Pembroke Docks and Town Gas Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the borough and county of Pembroke.
- 20 16. SOUTHBANK AND NORMANBY.—Order empowering the Southbank and Normanby Gaslight and Coke Company (Limited) to construct, maintain, and continue Gasworks and to manufacture Gas at Southbank near Middlesborough, in the north riding of the county of York, and to supply Gas to the townships of Normanby and Eston in the parish of Ormesby, the townships of Lackenby, Lazenby, and Wilton in the parish of Wilton, and other places in the north riding of the county of York.
- 25 17. STAINES AND EGHAM.—Order empowering the Staines and Egham District Gas and Coke Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in certain parishes in the counties of Middlesex, Surrey, and Berks.
- 30 18. STOURBRIDGE EXTENSION.—Order empowering the Stourbridge Gas Company to supply Gas in the parish of Hagley in the county of Worcester.
19. TAUNTON.—Order empowering the Taunton Gaslight and Coke Company to raise additional Capital.

3. GAS AND WATER ORDER.

- 35 20. KNUTSFORD GAS AND WATER.—Order empowering the Knutsford Gas and Water Company, Limited, to maintain and continue Gasworks and Waterworks, to manufacture and supply Gas, and to supply Water within the townships of Nether Knutsford otherwise Knutsford Inferior, Over Knutsford otherwise Knutsford Superior, Toft, and Bexton, in the parish of Nether Knutsford otherwise Knutsford Inferior, in the county of Chester, the townships of Tatton, Mere, and Over Tabley otherwise Tabley Superior, in the parish of Rostherne, in the said county of Chester, and the township of Nether Tabley otherwise Tabley Inferior, in the parish of Great Budworth, in the said county of Chester.

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A 2

A.D. 1871.

Aldeburgh.

ALDEBURGH.

Order empowering the Aldeburgh Waterworks Company, Limited, to construct Waterworks and to supply Water in the town of Aldeburgh and its vicinity, in the county of Suffolk.

Short title.	1. This Order may be cited as "The Aldeburgh Water Order, 1871."	5
Incorporation of Acts.	2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order.	10
Interpretation.	3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction," in any Act wholly or partially incorporated therewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.	15 20
Limits of Order.	4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town and parishes of Aldeburgh otherwise Aldborough, and Sudbourne, in the county of Suffolk.	25
<i>Undertakers.</i>		
Undertakers.	5. The Aldeburgh Waterworks Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."	
Capital.	6. The share capital of the Undertakers shall not exceed three thousand pounds, unless the Undertakers shall be authorized to raise additional share capital by provisional order under "The Gas and Waterworks Facilities Act, 1870," or by Act of Parliament.	30
Undertakers may purchase lands by agreement.	7. The Undertakers may by agreement purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorized by this Order.	35
Undertakers may acquire easements, &c. by agreement.	8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts,	

grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

A.D. 1871.
Aldeburgh.

9. The Undertakers shall not hold more than three acres of land.

Undertakers
to hold limited
quantity of
land only.

Construction of Waterworks.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order, (in this Order referred to as the deposited plans and sections,) the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to construct water-works and supply water

The works authorised by this Order are as follows:

- (a.) An abstraction reservoir or reservoirs, with all necessary embankments, cuttings, filtering beds, sluices, culverts, pipes, roads, and other works connected therewith, situate on a certain piece of pasture land belonging to the corporation or trustees of the town lands of the town of Aldeburgh otherwise Aldborough, and which said piece of pasture land abuts upon the western boundary wall of the Aldeburgh Park Estate:
- (b.) A conduit or line of pipe (Conduit No. 1) commencing at the aforesaid reservoir or reservoirs, and terminating at the pumping station next herein-after mentioned:
- (c.) A pumping station, with shafts, wells, communications, pipes, and all other works, situate on the Aldeburgh Park Estate aforesaid, about four and a half chains to the eastward of the aforesaid reservoir or reservoirs:
- (d.) A conduit or line of pipe (Conduit No. 2) commencing at the aforesaid pumping station, and terminating at the water tower next herein-after mentioned on the high ground of the Aldeburgh Park Estate aforesaid, and about four chains to the eastward of the said pumping station:
- (e.) A water tower, with tanks, valves, sluices, pipes, and all other works, situate on the aforesaid high ground of the Aldeburgh Park Estate and at the termination of the conduit or line of pipe last herein-before mentioned:
- (f.) A conduit or line of pipe (Conduit No. 3) commencing at the aforesaid water tower, and running thence in an easterly direction along the public way leading from the Aldeburgh Park Estate aforesaid to Augustus Terrace, then down the town steps, and terminating in High Street, at or about the centre thereof, opposite the termination of the aforesaid town steps in High Street:

A.D. 1871. (g.) All needful pipes, culverts, cuts, drains, sluices, engines, pumps, filter beds, weirs, meters, and other works. *

Aldeburgh.
Limits of lateral
and vertical
deviation.

11. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels 5 shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for com-
pletion of
works.

12. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the 10 restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

As to pipes
crossing the
works of a rail-
way or other
company.

13. If any difference arises between the Undertakers and any railway, canal, 15 or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the 20 Board of Trade at the request of either party.

Quality of Water.

Quality of
water.

14. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circum- 25 stances will admit.

Supply.

Water not
necessarily
under pressure.

15. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or implied to the contrary, it shall not be incumbent on the Under- takers to supply water to houses within the limits of supply in cases in which the supply cannot be afforded from the pipes laid down by the Undertakers 30 by its own residual pressure or gravitation, nor need the water supplied by the Undertakers be constantly laid on under pressure.

Rates at which
water is to be
supplied for
domestic pur-
poses.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include 35 one water-closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds per annum, at a rate not exceeding twopence 40 per week:

Where such rent or value is above five pounds and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding seven pounds:

Where such rent or value is above twenty pounds, at a rate per centum A.D. 1871.
per annum not exceeding six pounds.

Aldeburgh.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding eight shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths.

Rates for water-closets and baths.

18. The Undertakers shall not be compelled to supply any person with water for waterclosets or baths unless the apparatus or pipes provided or to be provided by such person shall be of such material and so constructed and used as to prevent the waste or undue consumption of the water of the Undertakers, and the return of foul air or noisome and impure matter into pipes belonging to or connected with the pipes of the Undertakers, nor shall they be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

For preventing fouling of water.

19. The Undertakers may from time to time supply any person, body, or corporation with water for any purposes for which no specific rates are by this Order limited, for such remuneration, and upon such terms and conditions, as shall be agreed upon between the Undertakers and the corporation, body, or person desirous of having the supply.

Water supplied by agreement.

20. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Undertakers may sell by measure.

21. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe; Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling house and premises.

When several houses supplied by one pipe, each to pay.

22. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of 10 & 11 Vict. c. 17. s. 44.

23. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water, let by them for hire to any consumer, in proper order for correctly registering the supply of water; and

Undertakers to keep meters let for hire in repair

A.D. 1871. in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, *Aldeburgh.* for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times.

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Register of water meters, &c. to be *prima facie* evidence.

24. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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Penalties.

Penalty for impurity of water.

25. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

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Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Penalty for injuring meters, &c.

26. Every person who wilfully, fraudulently, or by culpable negligence, injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

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Penalty for mis-user of water by tenant of one of several houses supplied by a common pipe.

27. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

40

Miscellaneous.

A.D. 1871.

Aldeburgh.

Incoming tenants not liable to pay arrears of water rents.

28. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be
5 entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

29. Any summons or warrant issued for any of the purposes of this Order
10 may contain, in the body thereof or in a schedule thereto, several names and several sums.

Several names in one summons or warrant.

30. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money;
15 and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

31. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

20 32. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

BOGNOR WATER.

Bognor.

25 *Order empowering the Bognor Water Company, Limited, to construct Waterworks and to supply Water in the town of Bognor and its vicinity, in the county of Sussex.*

1. This Order may be cited as "The Bognor Water Order, 1871."

Short title.

30 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Incorporation of Acts.

35 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction," in any Act wholly or partially incorporated therewith, shall be read and have effect as if the debt or demand in respect of which the

Interpretation.

A.D. 1871. expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

Bognor. The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order. 5

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town of Bognor and the parishes of South Bersted and Felpham, in the county of Sussex.

Undertakers.

10

Undertakers. 5. The Bognor Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall not exceed five thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by provisional order under "The Gas and Water Works Facilities Act, 15 1870," or by Act of Parliament.

Undertakers may purchase lands by agreement. 7. The Undertakers may by agreement purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order.

Undertakers may acquire easements, &c. by agreement. 8. Persons empowered by the Lands Clauses Acts to sell and convey or 20 release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, 25 rights, or privileges as aforesaid.

Undertakers to hold limited quantity of land only. 9. The Undertakers shall not hold more than three acres of land.

Construction of Waterworks.

Power to construct water-works and supply water. 10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on 30 the plans and sections deposited for the purposes of this Order, (in this Order referred to as the deposited plans and sections,) the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of 35 supply.

The works authorised by this Order are as follows:

1. A well or shaft, water tower, service tank, and pumping station, with pumping engine, engine and boiler house, and other works, buildings, and conveniences, situated in a piece of garden ground belonging to the Reverend Alfred Conder, and bounded on the south and west by the high road leading from Upper Bognor to Chichester, on the north by a road leading eastward from the said high road, and known as the Green Lane, and on the east by a footpath, in continuation of Church Path, leading to South Bersted: 40 45

A.D. 1871.
Bognor.

2. A pipe or aqueduct commencing at the water tower and service tank before described, passing from thence eastward and south-eastward along the said high road and terminating therein, at a point opposite Dome House in Upper Bognor:
- 5 3. A pipe or aqueduct commencing at the water tower and service tank before described, passing from thence in a north-westerly direction along the said high road to a point on the eastern side of the railway to Bognor, and passing from thence in a south and south-westerly direction along London Road, and in a south-easterly direction along the street known as Dorset Gardens, and terminating at a point in High Street, in the town of Bognor, opposite the southern end of Dorset Gardens:
- 10 4. All needful pipes and other works for the distribution and supply of water within the before-named parishes and places.

11. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of lateral and vertical deviation.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for completion of works.

13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

Quality of Water.

14. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Quality of water.

Supply.

15. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or implied to the contrary, it shall not be incumbent on the Undertakers to supply water at any height exceeding fifty feet above a point marked A. on the deposited plans.

Water not necessarily under pressure.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet), furnish to such owner or occupier a sufficient supply of water

Rates at which water is to be supplied for domestic purposes.

A.D. 1871. for such domestic purposes, at rates not exceeding the rates herein-after specified ;
(that is to say,)

Bognor.

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds per annum, at a rate not exceeding twopence per week :

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Where such rent or value is above five pounds and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding seven pounds :

Where such rent or value is above twenty pounds, at a rate per centum per annum not exceeding six pounds.

10

Rates for
waterclosets
and baths.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths.

15

Power for
Undertakers to
make regula-
tions for pre-
venting waste
of water.

18. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, amongst other things, may prescribe that the pipes, cocks, cisterns, and other apparatus used shall be proper and suitable for the purposes of supply.

20

Power for
Undertakers to
re'use supply
where regula-
tions not com-
plied with.

19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

25

Water supplied
by agreement.

20. The Undertakers may from time to time supply any person, body, or corporation with water for any purposes for which no specific rates are by this Order limited, for such remuneration, and upon such terms and conditions, as shall be agreed upon between the Undertakers and the corporation, body, or person desirous of having the supply.

30

Undertakers
may sell by
measure.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

35

Supply of water
to tenements in
a row.

22. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

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Amendment of
10 & 11 Vict.
c. 17. s. 44.

23. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefröm: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

45

Bognor.

Undertakers to keep meters let for hire in repair.

24. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water, let by them for hire to any consumer, in proper order for correctly registering the supply of water; and in default of their so doing, the consumer shall not be liable to pay rent for the same during
5 such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times.

25. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of
10 water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Register of water meters, &c. to be *prima facie* evidence.

15 *Penalties.*

26. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Penalty for impurity of water.

Provided that no penalty shall be incurred in any case in which it is proved
20 that the defect in purity was occasioned by an unavoidable cause or accident.

27. Every person who wilfully, fraudulently, or by culpable negligence, injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts,
25 consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any
30 person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied but no longer, discontinue the supply of water to the person so
35 offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.
40

Penalty for injuring meters, &c.

28. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for mis-user of water by tenant of one of several tenements in a row.

45 *Miscellaneous.*

29. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them

Incoming tenants not liable to pay arrears of water rents.

14 *Gas and Water Provisional Orders Confirmation.* [34 VICT.]

A.D. 1871. the water rate or meter rent due from him, the Undertakers shall not be
 Bognor. entitled to require from the next tenant of such premises the payment of the
 arrears left unpaid by the former tenant, unless such incoming tenant has under-
 taken with the former tenant to pay or exonerate him from the payment of such
 arrears. 5

Several names 30. Any summons or warrant issued for any of the purposes of this Order
 in one sum- may contain, in the body thereof or in a schedule thereto, several names and
 mons or war- several sums.
 rant.

Warrant of 31. Any justice who issues a warrant of distress in pursuance of the provisions
 distress shall of this Order may order that the costs of the proceedings for the recovery of the 10
 include costs. money to be levied shall be paid by the person liable to pay such money; and
 such costs shall be ascertained by the justice, and shall be included in the
 warrant of distress for the recovery of such money.

Liability to 32. No justice or judge of any county court or quarter sessions shall be dis-
 water rate not qualified from acting in the execution of this Order by reason of his being liable 15
 to disqualify to the payment of any water rate or other charge under this Order.
 justices from
 acting.

Costs of Order. 33. All the costs, charges, and expenses of and incidental to the applying for,
 preparing, obtaining, and confirming this Order, and otherwise in relation thereto,
 shall be paid by the Undertakers.

BURGESS HILL.

20

*Burgess
 Hill.*

*Order empowering the Burgess Hill and Saint John's Common
 Water Company, Limited, to construct Waterworks, and to
 supply Water, in the parishes of Ditchling, Keymer, and
 Clayton, in the county of Sussex.*

Short title. 1. This Order may be cited as "The Burgess Hill and Saint John's 25
 Common Water Order, 1871."

Incorporation 2. The provisions of "The Lands Clauses Acts," (except with respect to the
 of Acts. purchase and taking of lands otherwise than by agreement, and with respect to
 the entry on lands by the Promoters), and "The Waterworks Clauses Acts,
 1847 and 1863," are hereby incorporated with this Order, except where the 30
 same are expressly varied by this Order.

Interpretation. 3. The several words and expressions to which by the Acts in whole or in
 part incorporated with this Order and by the Gas and Water Works Facilities
 Act, 1870, meanings are assigned have in this Order the same respective mean-
 ings: Provided that the expression "superior courts" or "court of competent 35
 jurisdiction," in any Act wholly or partially incorporated herewith, shall be
 read and have effect as if the debt or demand with respect to which the ex-
 pression is used were an ordinary simple contract debt, and not a debt or
 demand created by statute:

In this Order the term "premises" shall mean and include any house, 40
 building, or land in, to, or through which water is supplied under the
 authority of this Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Ditchling, Keymer, and Clayton, in the county of Sussex.

Burgess Hill.
Limits of Order.

Undertakers.

5 5. The Burgess Hill and Saint John's Common Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

6. The share capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order, under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Capital.

7. The Undertakers may by agreement purchase and use such of the lands shown on the plans deposited for the purposes of this Order as may be required for the undertaking authorized by this Order.

Undertakers may purchase lands by agreement.

15 8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to land and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers may acquire easements, &c. by agreement.

9. The Undertakers shall not hold more than five acres of land.

Undertakers to hold limited quantity of land only.

Construction of Waterworks.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order, (in this Order referred to as the deposited plans and sections,) the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to construct water-works.

The works authorised by this Order are as follows:

- (1.) To sink a well and construct works and reservoir in the valley known as the "Coombe," in the said parish of Ditchling, and to lay water pipes, and to fix hydrants, in the portion of the public road leading from the toll-gate on the Ditchling road, in the parish of Ditchling, to the aforesaid "Coombe:"
- (2.) To lay water pipes, and to fix hydrants in the aforesaid road, from the north boundary of Ditchling parish, thence by the public road leading by the Newland Farm House, Ockley Farm House, Broad Street Farm House, Burgess Hill, and Station Road, to the London Road, up to the boundary dividing Keymer and Clayton parishes at the last-named point; also branch pipes and hydrants in the main road from Keymer Street to Ditchling, to the boundary of

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*Burgess
Hill.*

Keymer parish in the said road, and in the main road leading from Keymer to Hassock's Gate Station to the west boundary of the premises known as the Oaklands, in the occupation of W. Brigden, Esquire, the whole of which roads are in the parish of Keymer:

- (3.) Also to lay water pipes and hydrants in the London Road, south 5
of the west end of Station Road, to a distance of four hundred and
fifty yards, and on the north of the west end of Station Road, to a
distance of about five hundred yards, which two distances and roads
lie in the parish of Clayton, and form the northern boundary of
Clayton parish, in the London Road, at the last-named distance; 10
also in the road running west, at a distance of about one hundred and
ten yards south of "Royal George" Inn, and in length about five
hundred and fifty yards; also in the road running west from the
London Road by the "Royal George" Inn, to a distance of five
hundred and fifty yards from the said inn; also in the road running 15
north and south between the last-named road and the road known as
West Street; and also in the road known as West Street, from the
boundary of Clayton and Keymer parishes, which is about forty-five
yards at the east end from the London Road; and from thence to a
distance of four hundred and fifty yards westward, under a portion of 20
Fairfield Road, the whole of which distance and roads lie in the parish
of Clayton:
- (4.) And also to lay water pipes and fix hydrants in the following roads,
which are wholly in the parish of Keymer:
- (5.) In the London Road, from the north boundary of Clayton to a distance 25
of two hundred and fifty yards north of the west end of Lye Lane,
and portion of Fairfield Road; also to the east end of Lye Lane to
Cant's Lane, and thence to Burgess Hill:
- (6.) Also in all roads lying and being bounded by Lye Lane on the north,
Cant's Lane on the east, Station Road on the south, and the London 30
Road on the west; also the road running north from Lye Lane to
the houses known as "Gander's Cottages."

Limits of lateral
and vertical
deviation.

11. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels 35 shown on the deposited sections to any extent not exceeding twenty feet. But where any work is to be made in any road the limits of lateral deviation are the boundaries of the road.

Period for com-
pletion of
works.

12. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water 40 Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply. 45

As to pipes
crossing the
works of a rail.

13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross

under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the

5 Board of Trade at the request of either party.

*Burgess
Hill.*
way or other
company.

Quality of Water.

14. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Quality of
water.

Supply.

15. The water to be supplied need not be laid on under a pressure greater than can be supplied by gravitation from the reservoir by this Order authorized.

Water not
necessarily
under pressure.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling house or part of a dwelling house entitled under the provisions of this
15 Order to demand a supply of water for domestic purposes (which shall include one water closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at any rate not exceeding the following rates; (that is to say,)

Rates for
supply of water
for domestic
purposes.

(1.) Where the rateable value of the premises supplied, as shown by the
20 poors' rate gross assessment, does not exceed five pounds, at a rate not exceeding fourpence per week :

(2.) Where such rateable value of the premises exceeds five pounds and does not exceed thirty pounds, a yearly rate not exceeding ten pounds per centum on the rateable value of such house or part of a house :

(3.) Where such rateable value (except as hereafter mentioned) exceeds
25 thirty pounds, a yearly rate not exceeding seven pounds ten shillings per centum on the amount of such rateable value :

(4.) Provided that all inns and hotels, whether public or private, the rateable
30 value of which exceeds five pounds, shall be liable to a yearly rate not exceeding nine pounds per centum on the rateable value, whether the same exceeds thirty pounds or not.

17. The Undertakers may charge in respect of every bath supplied with water in or belonging to any dwelling house, and in respect of every watercloset beyond the first, any sum not exceeding one pound per annum.

Rates for water-
closets and
baths.

18. The Undertakers shall, when required, supply every road authority and every sewer authority within the limits of supply with water for flushing sewers and drains, or for watering streets or other public purpose, at a rate not exceeding two shillings and sixpence for every thousand gallons.

Water for flush-
ing sewers, &c.

19. Every person entitled to have a supply of water may, if he thinks fit, have the same supplied by meter (at such rate not exceeding one shilling for every thousand gallons) as may be agreed on between him and the Undertakers: Provided that the meter shall be fitted and adjusted by the consumer at his expense to the satisfaction of the Undertakers.

Supply of water
by meter.

*Burgess
Hill.*

Power for
Undertakers
to make
regulations for
preventing
waste of water.

20. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

5

Power for
Undertakers to
refuse supply
where regula-
tions not com-
plied with.

21. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

10

Amendment of
10 & 11 Vict.
c. 17. s. 44.

22. Section forty-four of "The Waterworks Clauses Act, 1847," shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

15

Supply of water
to tenements in
a row.

23. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

20

Water supplied
by agreement.

24. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and the person, corporation, or company desirous of having the supply.

25

Undertakers
to keep meters
let for hire in
repair.

25. The Undertakers shall at all times, at their own expense, keep all meters, or other instruments for measuring water let by them for hire to any consumer, in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times.

35

Register of
water meters,
&c. to be primâ
facie evidence.

26. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

40

Penalties.

Penalty for
impurity of
water.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be, according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

45

Provided that no such penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

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28. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention when such pipe, meter, or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Penalty for injuring meters, &c.

29. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for mis-user of water by tenant of one of several tenements in a row.

Miscellaneous.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of water rents.

31. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.

Several names in one summons or warrant.

32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

*Burgess
Hill.*
Costs of Order.

34. The costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Frome.

FROME.

*Order empowering the Frome Water Company, Limited, to construct 5
Waterworks, and to supply Water in the parish of Corsley in
the county of Wilts, and the parishes of Frome, Rodden, and
Marston Bigott in the county of Somerset.*

Short title.

1. This Order may be cited as "The Frome Water Order, 1871."

Incorporation
of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the 10
purchase and taking of lands otherwise than by agreement and with respect to
the entry on lands by the Promoters), and "The Waterworks Clauses Acts,
1847 and 1863," are hereby incorporated with this Order, except where the
same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part 15
incorporated with this Order, and by "The Gas and Water Works Facilities Act,
1870," meanings are assigned, have in this Order the same respective meanings.

Provided always, that the expression "superior courts" or "court of competent
jurisdiction," in any Act wholly or partially incorporated therewith, shall be
read and have effect as if the debt or demand in respect of which the expression 20
is used were an ordinary simple contract debt, and not a debt or demand created
by statute.

The term "premises" in this Order shall mean and include any house, building
or land in, to, or through which water is supplied under the authority of this
Order. 25

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and
have effect (in this Order referred to as "the limits of supply") shall be the
parish of Corsley in the county of Wilts, and the parishes of Frome, Rodden, and
Marston Bigott in the county of Somerset.

Undertakers.

30

Undertakers.

5. The Frome Water Company, Limited, shall be the Undertakers for the
purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall not exceed twelve thousand
pounds, unless the Undertakers shall be authorized to raise additional share
capital by Provisional Order under "The Gas and Water Works Facilities 35
Act, 1870," or by Act of Parliament.

Undertakers
may purchase
lands by
agreement.

7. The Undertakers may by agreement purchase and use such of the lands
shown on the plans deposited for the purposes of this Order as may be required
for the undertaking authorised by this Order.

8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Frome.
Undertakers may acquire easements, &c. by agreement

9. The Undertakers shall not hold more than three acres of land.

Undertakers to hold limited quantity of land only.

Construction of Waterworks.

10. The Undertakers may, on land belonging to them or acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to construct waterworks.

The works authorised by this Order are as follows:

A collecting well, reservoir, or tank, with all proper adits, shafts, tunnels, and conduits for collecting the water, to be situated in a field at Whitborne belonging to the Marquess of Bath, and in the occupation of James Ball, in the parish of Corsley in the county of Wilts, and numbered 750 on the Award Map of the said parish made in the year one thousand seven hundred and eighty-four, and which well is to be situated one chain or thereabouts in a northerly direction from the north-west corner of two houses, in the respective occupations of John Pearce and Charles Staples, in Upper Whitborne in the said parish of Corsley:

A conduit or pipe along the turnpike road to the town of Frome, commencing at the above well, reservoir, or tank, passing through the parishes of Corsley in the county of Wilts, and Rodden and Frome in the county of Somerset, and terminating in the service reservoir herein-after described:

A service reservoir to be constructed in a field occupied by John Vallis, at about four chains or thereabouts in a westerly direction from a house at Cottles Oak, lately used as a tollhouse, on the road from Frome to Egford, and in the parish of Frome aforesaid:

All needful pipes, conduits, culverts, wells, adits, cuts, drains, sluices, filter, beds, valves, weirs, by-washes, gauges, tanks, engines, pumping establishment and other works, with power to the Undertakers to use, pump up, and collect all water flowing into such works:

The laying down and maintaining pipes in, over, and under, and the breaking up, altering, stopping, or diverting of streets, roads, highways, lanes, railways, bridges, and other public passages and places for the purposes aforesaid within the limits of this Order.

11. For the protection of the Great Western Railway Company (in this section called the Great Western Company) the several provisions following shall have full effect:

For protection of Great Western Railway Company.

(a.) The conduit or pipe described in this Order shall be made and maintained in the roadway of the said turnpike road under the Great

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Western Company's arch which carries their Wilts, Somerset, and Weymouth Railway over the said road, at such a depth and in such a manner as not to injuriously interfere with the said archway or bridge, or the foundations thereof.

(b.) The pipe or aqueduct which is intended to be carried over the railway 5 of the Great Western Railway Company shall be made and maintained in the roadway carried over the said railway of the Great Western Company by the existing bridge over that railway, but in making or maintaining the said pipe or aqueduct the Undertakers shall not cut into or injuriously interfere with any of the brickwork or 10 superstructure of the bridge.

(c.) These works respectively shall be made and maintained of such dimensions, in such lines, on such levels, and in such manner as not in any degree to obstruct or prejudice any part of the Great Western Com- 15 pany's railways, works, or conveniences.

(d.) In order thereto, the Undertakers from time to time shall submit to the Great Western Company's principal engineer a proper and sufficient description, plan, sections, and specification of such parts of each of those works respectively as are to be made within 35 feet of the Great 20 Western Company's railways, works, or lands for his consideration and reasonable approval thereof; and if in any case he does not within one month after the delivery thereof to him approve the same, with such modifications, if any, thereof as he reasonably requires, and sign the same in testimony of his approval thereof, and deliver the same 25 so signed to the engineer of the Undertakers, or if the Undertakers object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer appointed on the application of the Undertakers and the Great Western Com- pany, or either of them, by the Board of Trade, for his consideration and reasonable approval thereof, his approval to be in like manner 30 attested by his signature; and the Undertakers shall not begin the execution of any of the works which affect any of the railways and works of the Great Western Company, unless and until the same with the sections and specifications thereof are so approved.

(e.) Those works respectively, so far as they directly or indirectly affect any 35 part of the Great Western Company's railways, works, and conveniences, shall be made and maintained by and at the expense of the Undertakers in accordance with the plans, sections, and specifications so approved, and under the superintendence and to the satisfaction of the Great Western Company's principal engineer. 40

Limits of lateral and vertical deviation.

12. In constructing the works authorised by this Order, on lands not belonging to the Undertakers, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards. 45

Period for completion of works.

13. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by Section 11 of the Gas and Water

Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable

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5 for supplying water within the limits of supply.

14. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

Quality of Water.

15. The water supplied by the Undertakers, shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Quality of water.

Supply.

16. The water to be supplied under this Order need not be constantly laid on under pressure, or be supplied at a level above that to which it will ascend by means of the pressure derived from the service reservoir by this Order authorised.

As to constant supply, &c.

17. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet), furnish to such owner or occupier or other persons a sufficient supply for such domestic purposes, at rates not exceeding the rate of seven pounds per centum per annum on the annual rackrent or value of the premises supplied, provided that the Undertakers shall not be obliged to furnish any such supply for any less rent than after the rate of twopence per week; and in addition to the before-mentioned rents or rates, the Undertakers may demand and take any rents and rates not exceeding the following; (that is to say,)

Rates and charges.

For or in respect of each additional watercloset upon the premises supplied, ten shillings per annum:

For or in respect of each plunge or swimming bath upon the premises supplied by measure at the rates or rents specified in the scale herein-after set forth, or, at the option of the Undertakers, ten shillings per annum:

For or in respect of each bath of any other description, if connected with or supplied directly from the Undertakers pipes, ten shillings per annum:

For or in respect of one head of cattle consuming water supplied by the Undertakers, four shillings per annum, and for or in respect of each additional head of cattle as aforesaid, three shillings per annum:

For or in respect of each horse consuming water supplied by the Undertakers, or kept upon the premises so supplied, ten shillings per annum:

For or in respect of each carriage kept by the occupier of the premises supplied by the Undertakers, ten shillings per annum:

For or in respect of each garden attached or unattached to premises supplied by the Undertakers, and rented therewith, or separately, for each rood

A.D. 1871. or fraction of a rood of such garden, five shillings per annum, or, at the
 Fromc. option of the Undertakers, by measure according to the scale herein-after
 mentioned.

Water supplied 18. The Undertakers may from time to time supply any person, corporation,
 by agreement. or company with water for other than domestic purposes, for such remuneration 5
 and upon such terms and conditions as shall be agreed upon between the Under-
 takers and the person, corporation, or company desirous of having the supply.

Undertakers 19. The Undertakers may, if they think fit, enter into agreements for the
 may sell by supply of water by measure to any consumer.

Rents and 20. The Undertakers may demand and take any rents and rates for a supply 10
 rates for water of water by measure not exceeding the following; that is to say,

supplied by Where the quarterly supply does not exceed fifty thousand gallons, two
 measure. shillings and sixpence per one thousand gallons:

Where the same exceeds fifty thousand gallons and does not exceed one
 hundred thousand gallons, one shilling and sixpence per one thousand 15
 gallons:

Where the same exceeds one hundred thousand gallons and does not exceed
 two hundred thousand gallons, one shilling and threepence per one thousand
 gallons:

Where the same exceeds two hundred thousand gallons, one shilling per one 20
 thousand gallons.

Amendment of 21. Section forty-four of "The Waterworks Clauses Act, 1847," shall for
 10 & 11 Vict. the purposes of this Order have effect as if the words "with the consent in
 c. 17. s. 44. writing of the owner or reputed owner of any such house, or of the agent of
 such owner," were omitted therefrom: Provided always, that any rent paid by 25
 an occupier in pursuance of the provisions of the said section may be deducted
 by such occupier from any rent from time to time due by him to such owner.

Supply of 22. Where there are several tenements in a row, no tenant or occupier of
 water to tene- any one of the tenements, nor any person on his behalf, shall take or use the
 ments in a row. water laid on by the Undertakers to any other such tenement, unless the 30
 tenant or occupier be in respect of the tenement so occupied by him rated
 under this Order for a supply of water.

Undertakers to 23. The Undertakers shall at all times, at their own expense, keep all meters,
 keep meters or other instruments for measuring water; let by them for hire to any
 let for hire in consumer, in proper order for correctly registering the supply of water; 35
 repair. and in default of their so doing the consumer shall not be liable to pay rent for
 the same during such time as such default continues. The Undertakers shall,
 for the purposes aforesaid, have access to and be at liberty to remove, test,
 inspect, and replace any such meter or other instrument at all reasonable times.

Register of 24. Where water is supplied by measure the register of the meter or 40
 water meters, &c. to be other instrument for measuring water shall be *prima facie* evidence of the
prima facie quantity of water consumed, and in respect of which any rent is charged
 evidence. and sought to be recovered by the Undertakers: Provided always, that if the
 Undertakers and the consumer differ as to the quantity consumed, such difference
 shall be determined, upon the application of either party, by two justices, who 45

may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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Frome.

Penalties.

- 5 25. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds. Penalty for impurity of water.

Provided, that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

- 10 26. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or
15 remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings
20 belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of
25 artificial means for causing such injury, alteration, or prevention when such pipe, meter, or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

- 30 27. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for mis-user of water by tenant of one of several tenements in a row.

Miscellaneous.

- 35 28. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former
40 tenant to pay or exonerate him from the payment of such arrears. Incoming tenants not liable to pay arrears of water rents.

29. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums. Several names in one summons or warrant.

Frome.
Warrant of
distress shall
include costs.

30. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

5

Liability to
water rate not
to disqualify
justices from
acting.

31. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Costs of Order.

32. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

10

Gisborough.

GISBOROUGH.

Order conferring powers for the construction of Waterworks, and for the Supply of Water to Gisborough, in the north riding of the county of York.

15

Short title.

1 This Order may be cited as "The Gisborough Water Order, 1871."

Incorporation
of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

20

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings; provided always, that the expression "superior courts" or "court of competent jurisdiction," in any Act wholly or partially incorporated therewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

25

The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.

30

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the township of Gisborough in the north riding of the county of York.

35

Undertakers.

The Under-
takers.

5. Thomas Chaloner of Gisborough in the north riding of the county of York, Esquire, Rear-Admiral in Her Majesty's Fleet, and Thomas Tudor Trevor of Gisborough aforesaid, Attorney-at-Law, their heirs or assigns, shall

be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." A.D. 1871.
Gisborough.

6. The share capital of the Undertakers shall not exceed six thousand pounds, unless the Undertakers shall be authorized to raise additional share capital by
5 Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

7. The Undertakers may by agreement purchase and use such of the lands shown on the plans deposited for the purposes of this Order as may be required for the undertaking authorized by this Order. Undertakers may purchase lands by agreement.

10 8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. Undertakers may acquire easements, &c. by agreement.

9. The Undertakers shall not hold more than five acres of land. Undertakers to hold limited quantity of land only.

Construction of Waterworks.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply. Power to construct waterworks.

The works authorised by this Order are as follows:

30 A reservoir, of eleven thousand superficial square yards in extent, or thereabouts, situate wholly in the township and parish of Gisborough aforesaid, on land belonging to the said Thomas Chaloner, and which reservoir, when made, will be wholly surrounded by other lands belonging to the said Thomas Chaloner, and will be formed by an embankment or dam across the stream or beck flowing through Warming Pits Wood, at a point on the said stream situate about one hundred and fifty yards to the south-west of the junction of the said stream or beck with Wiley Cat Beck, and extending to a point about four hundred yards to the south-west of the said junction:

35 A conduit, or line of pipes, situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of the northern end of the before-mentioned reservoir, passing through the lands of the said Thomas Chaloner into the highway leading from Gisborough to Whitby, and thence along the said highway to a street in the town of Gisborough, called Bow Street, thence along the said street into and through the several other public streets and roads of the town of Gisborough:

A.D. 1871.

*Gisborough.*Power to take
water from
beck.

All necessary approaches, embankments, filtering beds, works, and conveniences in connection with the works herein-before described.

11. The Undertakers may, by agreement, abstract and take a sufficient supply of water from the said stream or beck flowing through Warming Pits Wood, at a point in the said stream or beck at the southern end of the proposed reservoir, 5 and may by all proper means prevent the pollution or contamination of the water of the said stream, and of the several tributaries thereof. And the said stream and tributaries shall for this purpose be deemed streams belonging to the Undertakers, within the meaning of the "Waterworks Clauses Act, 1847."

Limits of lateral
and vertical
deviation.

12. In constructing the works authorised by this Order, the Undertakers may 10 deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for
completion of
works.

13. The works authorised by this Order shall be completed within the time 15 and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for 20 supplying water within the limits of supply.

As to pipes
crossing the
works of a rail-
way or other
company.

14. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, 25 altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

*Quality of Water.*Quality of
water.

15. The water supplied by the Undertakers shall be effectually filtered, and 30 shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

*Supply.*Limits of
pressure.

16. The water to be supplied by the Undertakers need not be constantly laid on under pressure, or be at any time delivered at a height greater than 35 can be reached by gravitation from the reservoir or works authorized by this Order.

Water for
domestic pur-
poses.

17. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include 40 one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at any water rent agreed upon between the Undertakers and such owner or occupier, not exceeding the amounts following,

estimated according to the full net annual value of the dwelling-house or part of a dwelling-house occupied as a separate dwelling; (that is to say,) A.D. 1871.

If there be no bath in the dwelling-house or part of the dwelling-house to be supplied with water, then at the following rates: Gisborough.

5 Where the full net annual value of such dwelling-house shall not amount to ten pounds, at a rate per centum per annum not exceeding seven pounds ten shillings:

10 Where the full net annual value of such dwelling-house shall be ten pounds and under twenty pounds, at a rate per centum per annum not exceeding seven pounds:

Where the full net annual value of such dwelling-house shall be twenty pounds and under forty pounds, at a rate per centum per annum not exceeding six pounds ten shillings:

15 Where the full net annual value of such dwelling-house shall be forty pounds and upwards, at a rate per centum per annum not exceeding six pounds:

And if there be a more than one watercloset, or a private bath or baths, in such dwelling-house, then, in addition to the rents above specified, rents at the following rates shall be payable:

20 Where the full net annual value of such dwelling-house shall amount to ten pounds, the sum of four shillings for each such watercloset, and four shillings for each such bath:

25 Where the full net annual value of such dwelling-house shall be above ten pounds and under twenty pounds, the sum of six shillings for one such watercloset, and six shillings for one bath, and four shillings for every additional watercloset or bath:

30 Where the full net annual value of such dwelling-house shall be twenty pounds and under forty pounds, the sum of eight shillings for one watercloset, and eight shillings for one bath, and four shillings for every additional watercloset or bath:

Where the full net annual value of such dwelling-house shall be forty pounds and upwards, the sum of ten shillings for one watercloset, and ten shillings for one bath, and four shillings for every additional watercloset or bath.

35 Provided always, that for baths containing, as usually filled for use, a greater quantity of water than thirty gallons, the Undertakers may charge such sums as they think fit; provided also, that the Undertakers shall not be allowed to make any charge for a private bath of less capacity than thirty gallons, in any house the annual value of which shall be less than ten pounds.

40 18. The additional rents chargeable for waterclosets and baths shall be paid with and as part of and may be recovered by the same means as the rent for the supply of water for domestic purposes. Recovery of sums for baths, &c.

45 19. Section forty-four of "The Waterworks Clauses Act, 1847," shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by

Amendment of
10 & 11 Vict.
c. 17. s. 44.

A.D. 1871. an occupier in pursuance of the provisions of the said section may be deducted
Gisborough. by such occupier from any rent from time to time due by him to such owner.

Supply of water
to tenements
in a row.

20. Where there are several tenements in a row, no tenant or occupier of
any one of the tenements, nor any person on his behalf, shall take or use the
water laid on by the Undertakers to any other such tenement, unless the 5
tenant or occupier be in respect of the tenement so occupied by him rated
under this Order for a supply of water.

Water
supplied by
agreement.

21. The Undertakers may from time to time supply any person, corporation,
or company with water for other than domestic purposes, for such remuneration
and upon such terms and conditions as shall be agreed upon between the 10
Undertakers and the person, corporation, or company desirous of having the
supply, but the Undertakers shall not be entitled to charge more than eight-
pence for each one thousand gallons so supplied.

Undertakers
may sell by
measure.

22. The Undertakers may, if they think fit, enter into agreements for the
supply of water by measure to any consumer. 15

Undertakers to
keep meters let
for hire in re-
pair.

23. The Undertakers shall at all times, at their own expense, keep all
meters or other instruments for measuring water, let by them for hire
to any consumer, in proper order for correctly registering the supply of
water; and in default of their so doing the consumer shall not be liable to
pay rent for the same during such time as such default continues. The Under- 20
takers shall, for the purposes aforesaid, have access to, and be at liberty to
remove, test, inspect, and replace, any such meter or other instrument at all
reasonable times.

Register of
water meters,
&c. to be *prima*
facie evidence.

24. Where water is supplied by measure, the register of the meter or
other instrument for measuring water shall be *prima facie* evidence of the 25
quantity of water consumed, and in respect of which any rent is charged and
sought to be recovered by the Undertakers: Provided always, that if the
Undertakers and the consumer differ as to the quantity consumed, such difference
shall be determined, upon the application of either party, by two justices,
who may also order by which of the parties the costs of the proceedings before 30
them shall be paid, and the decision of such justices shall be final and binding
on all parties.

Penalties.

Penalty for
impurity of
water.

25. If on any day the water supplied by the Undertakers is of less purity
than it ought to be according to the provisions of this Order, the Undertakers 35
shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case in which it is proved
that the defect in purity was occasioned by an unavoidable cause or accident.

Penalty for in-
juring meters.

26. Every person who wilfully, fraudulently, or by culpable negligence
injures or suffers to be injured any meter or fittings belonging to the Un- 40
dertakers, or fraudulently alters the index to any meter, or prevents any meter
from duly registering the quantity of water supplied, or fraudulently abstracts,
consumes, or uses water of the Undertakers, shall (without prejudice to any
other right or remedy for the protection of the Undertakers or the punishment of
the offender) for every such offence forfeit and pay to the Undertakers a sum 45

not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the

A.D. 1871.

Gisborough.

5 index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, 10 when such pipe, meter, or other fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

15 27. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for mis-user of water by tenant of one of several tenements in a row.

Miscellaneous.

20 28. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such 25 arrears.

Incoming tenants not liable to pay arrears of water rents.

29. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.

Several names in one summons or warrant.

30 30. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

35 31. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

32. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

A.D. 1871.

Herne Bay.

HERNE BAY.

Order empowering the Herne Bay Waterworks Company to raise additional Capital.

Short title.

The Act confirming this Order and the recited Act to be construed as one Act.

Undertakers.

Incorporation of Companies Clauses Act.

1. This Order may be cited as "The Herne Water Order, 1871."

2. The Herne Water Act, 1867, and this Order shall be construed together, 5
except so far as such construction would be inconsistent with or repugnant to
the provisions of this Order.

3. The "Herne Bay Waterworks Company" shall be the Undertakers for the
purposes of this Order, and are in this Order referred to as "the Undertakers."

4. The provisions of "The Companies Clauses Consolidation Act, 1845," 10
with respect to the several matters following; (that is to say,)

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing payment of
calls; 15

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the company against the shareholders;

The consolidation of shares into stock;

The general meetings of the company and the exercise of the right of
voting by the shareholders; 20

The making of dividends;

The borrowing of money by the company on mortgage or bond;

The giving of notices and the provisions for affording access to the
special Act;

And Part I. (relating to cancellation and surrender of shares), and Part 25

II. (relating to additional capital), and Part III. (relating to debenture
stock) of "The Companies Clauses Act, 1863," and "The Compa-
nies Clauses Act, 1869," are, except where expressly varied by this
Order, incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the three 30
last-mentioned Acts shall be construed to mean this Order.

Power to raise
additional
share capital.

5. In addition to the capital already authorised to be raised by the Under-
takers, they may from time to time—

1. Raise any further sums not exceeding in the whole three thousand
pounds, by the issue of new shares or new stock, either ordinary or pre- 35
ference, or partly ordinary and partly preference, as they may think
proper, but not less than the full nominal amount of any such share or
stock shall be payable or paid in respect thereof; and

2. Borrow on mortgage any sum not exceeding in the whole seven hundred
and fifty pounds, at the times and subject to the restrictions herein-after 40
contained; (that is to say,) when one thousand and five hundred pounds,
part of the additional capital by this Order authorised to be raised by
shares, has been subscribed for, issued, and accepted, and one half thereof
has been paid up, the Undertakers may borrow on mortgage any sum

- not exceeding three hundred and seventy-five pounds, and for the further sum of one thousand five hundred pounds of capital so subscribed for, issued, accepted, and one half thereof paid up, a further sum of three hundred and seventy-five pounds; but no money shall be borrowed under this Order until the additional capital authorised by this Order to be raised by shares is subscribed for to the extent necessary to authorise such borrowing, and until the Undertakers have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that such additional capital has been so subscribed for, and is held by subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Undertakers, or of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.
6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.
7. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Order than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as may be issued as preference capital.
8. The proprietors of any shares to be issued under the authority of this Order shall be entitled to such number of votes, in respect thereof, as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers.
9. Every mortgage granted by the Undertakers under the Herne Water Act, 1867, shall have priority over all mortgages and debenture stock granted and issued under this Order.
10. The Undertakers may create and issue debenture stock.
11. Nothing contained in this Order shall in any way prejudice or affect any of the rights, powers, or privileges of the Undertakers under The Herne Water Act, 1867.
12. All moneys raised under this Order shall be applied to the purposes of the undertaking, and not otherwise.
13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid out of the first moneys received by the Undertakers under this Order.

A.D. 1871.

Herne Bay.

Calls.

Limits of dividend on new capital.

As to votes proprietors of such shares.

Priority of mortgages under existing powers.

Power to create debenture stock.

Not to affect provisions of Herne Bay Water Act, 1867.

Application of money raised under this Order.

Costs of this Order.

A.D. 1871.

Holywell.

HOLYWELL.

Order conferring powers for the construction and maintenance of Waterworks and works connected therewith in the parish of Holywell, and for the supply of water to the town of Holywell, and parts of the townships of Greenfield and Brynford in the said parish of Holywell.

Short title of Order.

Incorporation of Acts.

1. This Order may be cited as the "Holywell Water Order, 1871."

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order. 10

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction," in any Act wholly or partially incorporated therewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: 15

The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order. 20

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the places described in the schedule to this Order. 25

Undertakers.

Undertakers.

5. Robert Scrivener, Thomas Bickley, Nathan Barlow, William Henry Barlow, Moses Daniel Edwards, John Hancock Wolstenholm, John Powell, and Octavius Deane, and their heirs or assigns respectively, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 30

Capital.

6. The capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional capital by provisional order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. 35

Undertakers may purchase lands by agreement.

7. The Undertakers may by agreement purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order.

Undertakers may acquire easements, &c. by agreement.

8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this 40

behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

9. The Undertakers shall not hold more than three acres of land.

Holywell.
Undertakers to hold limited quantity of land only.

Construction and Maintenance of Waterworks.

5 10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order, (in this Order referred to as the deposited plans and sections,) the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering
10 beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to construct and maintain waterworks and supply water.

The works authorised by this Order are as follows:—

- 15 (a.) An engine, pumping, and boiler house, with offices, on a piece of land situate on the west side of Greenfield Street, in the said town of Holywell, and nearly opposite to Saint Winifred's Well, the property of the Earl of Denbigh:
- 20 (b.) A reservoir in a field situate on the south-west side of Whitford Street, also the property of the Earl of Denbigh, the said reservoir to be of such dimensions as to be capable of containing one million five hundred thousand gallons of water and no more, and to be divided into two compartments, in order that it may be from time to time sufficiently cleansed:
- (c.) The laying of rising and service pipes from the said engine and pumping house to the said reservoir and back to Whitford Street, across lands also belonging to the Earl of Denbigh:
- 25 (d.) The laying of pipes from the said Saint Winifred's Well to a well to be constructed on the west side of Greenfield Street aforesaid, nearly opposite to the said Saint Winifred's Well.

11. The Undertakers may take, divert, collect, and impound in the said reservoir the waters of the said Saint Winifred's Well: Provided always, that the quantity of water to be so taken by the Undertakers from the said Saint Winifred's Well shall not exceed one million five hundred thousand gallons per week,
30 and that the same shall be taken by the Undertakers from the said well by pumping only, without sinking any shaft, or doing anything calculated to injure the sources of supply of the said Saint Winifred's Well: Provided always, that such weekly quantity of one million five hundred thousand gallons shall be pumped by the Undertakers from the said well on Sundays only; that is to say, between the hours of midnight on Saturday and midnight on the ensuing
35 Sunday.

Power to take water from St. Winifred's Well, &c.

12. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within, but not beyond, the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels of the said reservoir and filtering beds as shown on the deposited sections, to any extent not exceeding three feet, and the Undertakers
40 may deviate vertically from the levels as shown on the deposited sections of any work authorised by this Order, other than the said reservoirs and filtering beds, to any extent not exceeding five feet.

Limits of lateral and vertical deviation.

Holywell.
Period for
completion
of works.

13. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section eleven of "The Gas and Water Works Facilities Act, 1870": Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply. 5

As to pipes,
&c. crossing
the works of
a railway or
other com-
pany.

14. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes or conduits, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 10

Quality of Water. 15

Quality of
water.

15. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

Supply and
rates for a
supply of water
for domestic
purposes.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes, (which shall include one watercloset,) furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at any rate not exceeding the following rates; (that is to say,) 20

If the rackrent or (if not let at a rackrent) the annual value according to the poor-rate assessment of the house or of part of a house does not amount to five pounds per annum, the rate of seven shillings per annum, and so in proportion for any shorter period: 25

If such rackrent or (as the case may be) annual value amounts to five pounds but does not amount to seven pounds per annum, the rate of eight shillings per annum, and so in proportion for any shorter period: 30

If such rackrent or (as the case may be) annual value amounts to seven pounds but does not amount to ten pounds per annum, the rate per annum of twelve shillings, and so in proportion for any shorter period: 35

If such rackrent or (as the case may be) annual value amounts to ten pounds but does not amount to fifteen pounds per annum, the rate of nineteen shillings per annum, and so in proportion for any shorter period:

If such rackrent or (as the case may be) annual value amounts to fifteen pounds but does not amount to twenty pounds per annum, the sum of twenty-seven shillings and sixpence per annum, and so in proportion for any shorter period: 40

If such rackrent or (as the case may be) annual value amounts to and exceeds twenty pounds per annum, the rate of six pounds ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period. 45

17. The Undertakers shall, if required so to do by the Local Board of Holywell, supply with water a public fountain or drinking place in the town of Holywell, and also provide sufficient quantity of water for watering the streets of that town for the sum of seven pounds ten shillings per annum.

Holywell.
Supplying
water for
drinking
fountain and
watering streets
of Holywell.

5 18. In addition to the rates for the supply of water for domestic purposes, the Undertakers may demand and receive for every watercloset beyond or more than one in any house any yearly sum not exceeding ten shillings, and for every private bath in any house any yearly sum not exceeding twelve shillings and sixpence.

Rates for
waterclosets
and baths.

10 19. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, amongst other things, may prescribe that the pipes, cocks, cisterns, and other apparatus used shall be proper and suitable for the purposes of supply.

Power for
Undertakers to
make regula-
tions for pre-
venting waste
of water.

15 20. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may
20 be referred by either party to and shall be settled by two justices.

Power for
Undertakers to
refuse supply
where regula-
tions not com-
plied with.

21. The Undertakers may supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and the person, corporation, or company desirous of having the supply; but, notwith-
25 standing any such agreement, no person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order, and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing.

Water for other
than domestic
purposes.

30 22. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Undertakers
may sell by
measure.

23. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates
35 for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the
40 water rate is paid for the whole of such dwelling-house and premises.

When several
houses supplied
by one pipe,
each to pay.

24. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of
45 "the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

Holynwell.

Undertakers
to keep meters
let for hire in
repair.

25. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water, let by them for hire to any consumer, in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, 5
for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times.

Register of
water meters,
&c. to be primâ
facie evidence.

26. The register of the meter or other instrument shall be primâ facie evidence of the quantity of water consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if 10
the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties. 15

Penalties.

Penalty for
impurity of
water.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case in which it is proved 20
that the insufficient supply or defect in purity was occasioned by an unavoidable cause or accident.

Penalty for in-
juring meters.

28. Every person who wilfully, fraudulently, or by culpable negligence, injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from 25
duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of 30
any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied but no 35
longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, when such meter is under the custody or control of the consumer, shall be primâ facie evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and 40
wilfully caused by the consumer using such meter.

Penalty for
mis-user of
water by tenant
of one of several
houses supplied
by a common
pipe.

29. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence, be liable to a penalty not exceeding 45
five pounds.

Miscellaneous.

Holywell.

Incoming tenants not liable to pay arrears of water rents.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be
5 entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

31. Any summons or warrant issued for any of the purposes of this Order
10 may contain, in the body thereof or in a schedule thereto, several names and several sums.

Several names in one summons or warrant.

32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money ;
15 and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

34. All the costs, charges, and expenses of and incidental to the applying
20 for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

SCHEDULE.

Limits of Order.

25 Such parts of the district of the Holywell Local Board and such parts of the respective townships of Brynford and Greenfield as are shown on the deposited plans.

PORTMADOC.

Portmadoc.

30 *Order conferring powers for the maintenance and continuance of Waterworks and works connected therewith at Portmadoc, and for the supply of Water to the parishes of Llanfihangel-y-Traethau in the county of Merioneth, and Ynyscynhaiarn in the county of Carnarvon.*

1. This Order may be cited as the "Portmadoc Water Order, 1871."
35 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Waterworks Clauses Acts,

Short title of Order.
Incorporation of Acts.

A.D. 1871. 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply, as to any pipes or works which may be laid down or constructed under the authority of this Act. 5

Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned have in this Order the same respective meanings: Provided always, that the expression "superior court," or "court of competent jurisdiction," in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. 10

The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order. 15

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as the limits of supply) shall be the parishes of Llandecwyn and Llanfihangel-y-Traethau, in the county of Merioneth, and Ynyscynhaiarn, in the county of Carnarvon. 20

Undertakers.

Undertakers. 5. William Jones of Portmadoc in the county of Carnarvon, and John Lewis of the same place and county, their heirs or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 25

Capital. 6. The capital of the Undertakers shall not exceed eight thousand five hundred pounds, unless the Undertakers shall be authorised to raise additional capital by Provisional Order, under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. 30

Undertakers may purchase lands by agreement. 7. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the plans deposited for the purposes of this Order as may be required for the undertaking authorized by this Order.

Undertakers may acquire easements, &c. by agreement. 8. Persons empowered by The Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. 35 40

Undertakers to take limited quantity of land only. 9. The Undertakers shall not purchase under the authority of this Order more than two acres of land.

A.D. 1871.

Maintenance of Waterworks.

Portmadoc.

Power to maintain existing works, and to construct additional works.

10. The Undertakers may from time to time, as they think fit, maintain, continue, and use their existing waterworks and works connected therewith, and may make and maintain in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections) the additional works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are as follows:

- (1.) A reservoir in the parish of Ynyscynhaiarn aforesaid, situated in or near to the town of Portmadoc, as shown on the deposited plans, with conduit pipes therefrom to the pipes already laid, as shown on the plans:
- (2.) An embankment or dam at the lower or west end of Llandecwyn Lake, five feet or thereabouts in height, and one hundred and fifty feet or thereabouts in length, for the purpose of storing and damming the water of the said lake:
- (3.) Conduit pipes through the town of Tremadoc, as shown on the said plans, with all proper appliances, together with service pipes from the same to the houses:
- (4.) Conduit pipes to Borthygest, as shown on the said plans, with all proper appliances, together with service pipes from the same to the houses:
- (5.) Conduit pipes through the town of Penrhyndeudraeth, as shown on the said plans, with all proper appliances, together with service pipes from the same to the houses:
- (6.) Conduit pipes, service pipes, and all necessary appliances for supplying houses with water throughout all new streets, lanes, and roads in or near to the town of Portmadoc aforesaid, which shall hereafter be made as the said town extends and increases.

11. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of lateral and vertical deviation.

12. The Undertakers may, by agreement, take, divert, collect, and impound in the said reservoirs the waters of the lake called Llyndecwyn, in the parish of Llandecwyn, and of the springs at Tanyrallt and Bendrychain, in the said parish of Ynyscynhaiarn, and of the springs, brooks, and streams flowing into the same.

Power to divert and impound water.

13. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes,

Period for completion of works.

A.D. 1871. reservoirs, and other works in such way and manner as may be requisite or
advisable for supplying water within the limits of supply.

Portmadoc.

As to pipes, &c.
crossing the
works of a rail-
way or other
company.

14. If any difference arises between the Undertakers and any railway, canal,
or other company whose land or works the Undertakers have power to cross,
for the purposes of meeting the demands for water within the limits of supply, 5
as to the mode of laying down, repairing, altering, or enlarging their pipes or
conduits, or the facilities to be afforded for the same, the same shall be settled
by an engineer to be appointed by the Board of Trade at the request of
either party.

Quality of Water.

10

Quality of
water.

15. The water supplied by the Undertakers shall be effectually filtered,
and shall be as pure as, having regard to the source and nature of supply, cir-
cumstances will admit.

Supply.

Limits of
pressure.

16. The water to be supplied by the Undertakers need not at any time be 15
delivered at a height greater than can be reached by gravitation from the
reservoir or works authorized by this Order.

Rates for a
supply of water
for domestic
purposes.

17. The Undertakers shall, at the request of the owner or occupier of any
dwelling-house or part of a dwelling-house entitled under the provisions of
this Order to demand a supply of water for domestic purposes, furnish to such 20
owner or occupier a sufficient supply of water for such domestic purposes, at
any rate not exceeding the following rates; (that is to say,)

Where the full net annual value stated in the poor-rate assessment of such
house so supplied does not exceed seven pounds, eight shillings:

Where the same exceeds seven pounds and does not exceed eight pounds, nine 25
shillings and sixpence;

Where the same exceeds eight pounds and does not exceed nine pounds, ten
shillings and sixpence;

Where the same exceeds nine pounds and does not exceed ten pounds, twelve
shillings;

30

Where the same exceeds ten pounds and does not exceed eleven pounds,
thirteen shillings;

Where the same exceeds eleven pounds and does not exceed twelve pounds,
fourteen shillings;

Where the same exceeds twelve pounds and does not exceed thirteen pounds, 35
fifteen shillings and sixpence;

Where the same exceeds thirteen pounds and does not exceed fourteen pounds,
sixteen shillings and sixpence;

Where the same exceeds fourteen pounds and does not exceed fifteen pounds,
eighteen shillings;

40

Where the same exceeds fifteen pounds and does not exceed sixteen pounds,
nineteen shillings;

Where the same exceeds sixteen pounds and does not exceed seventeen pounds,
twenty shillings;

Where the same exceeds seventeen pounds and does not exceed eighteen pounds, twenty-one shillings and sixpence; A.D. 1871.
Portmadoc.

Where the same exceeds eighteen pounds and does not exceed nineteen pounds, twenty-two shillings and sixpence;

5 Where the same exceeds nineteen pounds and does not exceed twenty pounds, twenty-four shillings;

Where the same exceeds twenty pounds and does not exceed twenty-five pounds, twenty-eight shillings;

10 Where the same exceeds twenty-five pounds does and not exceed thirty pounds, thirty-one shillings;

Where the same exceeds thirty pounds, and does not exceed thirty-five pounds, thirty-five shillings;

Where the same exceeds thirty-five pounds and does not exceed forty pounds, forty shillings;

15 Where the same exceeds forty pounds and does not exceed forty-five pounds, forty-five shillings;

Where the same exceeds forty-five pounds and does not exceed fifty pounds, fifty shillings;

20 Where the same exceeds fifty pounds and does not exceed sixty pounds, fifty-five shillings;

Where the same exceeds sixty pounds and does not exceed seventy pounds, sixty-three shillings;

Where the same exceeds seventy pounds and does not exceed eighty pounds, seventy shillings;

25 Where the same exceeds eighty pounds and does not exceed ninety-five pounds, seventy-six shillings;

Where the same exceeds ninety-five pounds at a rate not exceeding four pounds per centum per annum:

30 Provided always, that a supply of water for domestic purposes shall include a supply of water for one watercloset, and in the case of all houses of the aforesaid full net annual value of ten pounds and upwards one bath.

18. In addition to the rates for the supply for domestic purposes the Undertakers may demand and receive for one additional watercloset in any house beyond the first any yearly sum not exceeding seven shillings and 35 sixpence, and for every additional watercloset beyond such last-mentioned water-closet, any yearly sum not exceeding five shillings, and for every private bath beyond the first any yearly sums not exceeding those herein-after specified; (that is to say,)

40 Where the annual value at rackrent of a house or part of a house or premises supplied with water does not exceed fifteen pounds, the yearly rate of five shillings;

Where the annual value at rackrent exceeds fifteen pounds, the yearly rate of eight shillings for the second bath, and the yearly rate of five shillings for every additional bath.

45 19. Subject to the provisions of this Order, the Undertakers may from time to time, for the purpose of preventing any waste, misuser, or undue consumption or contamination of water supplied by them, by regulation prescribe the fittings to be

Rates at which water to be supplied for water-closets and baths.

Regulations for preventing waste of water.

41 *Gas and Water Provisional Orders Confirmation.* [34 VICT.]

A.D. 1871. used within the limits of supply, in which term fittings is included the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, waterclosets, and other matters connected therewith, and may interdict any fittings which in their judgment may tend to any such waste, misuser, undue consumption, or contamination. 5

Portmadoc.

The Undertakers shall not be bound to supply any water unless the fittings by means of which such water is to be supplied are as prescribed by such regulations.

Amendment of 10 & 11 Vict. c. 17. s. 44.

20. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing" of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner. 10

Supply of water to tenements in a row.

21. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water. 15

Water supplied by agreement.

22. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and the person, corporation, or company desirous of having the supply. 20

Undertakers may sell by measure.

23. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer. 25

Undertakers to keep meters let for hire in repair.

24. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer, in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times. 30

Register of water meters, &c. to be *primâ facie* evidence.

25. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties. 40

To supply Tanyrallt mansion, &c., free of charge.

26. The Undertakers shall, at all times hereafter, so long as they shall use the water of the spring at Tanyrallt, where their reservoir is now constructed, supply or cause to be supplied, for domestic purposes, and also for the use of waterclosets and baths, the mansion house, outbuildings, and stables 45

of Tanyrallt aforesaid with sufficient water from the said reservoir or spring, without making any charge for the same, either to the owner of the said mansion house or to any tenant thereof. A.D. 1871.
Portmadoc.

27. The Undertakers shall supply all vessels lying in the harbour of Portmadoc at the public wharf or quay with a sufficient supply of water for the use of every such vessel during the then next voyage to be made by such vessel, at or for a sum not to exceed one halfpenny per ton on the registered tonnage of every such vessel. To supply vessels in Portmadoc harbour at fixed rates.

Penalties.

28. If on any day the water supplied by the Undertakers is of less purity than it ought to be, according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Penalty for impurity of water.

Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

29. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. Penalty for injuring meters, &c.

30. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for mis-user of water by tenant or one of several tenements in a row,

Miscellaneous.

31. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenants not liable to pay arrears of water rents.

Portmadoc.

Several names in one summons or warrant.

32. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.

Warrant of distress shall include costs.

33. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. 5

Liability to water rate not to disqualify justices from acting.

34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. 10

Saving of existing contracts, &c.

35. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of water by the said William Jones and John Lewis. 15

Saving of rights of Cambrian Railways Company.

36. Nothing in this Order contained shall authorize the Undertakers to enter upon or use any lands, bridges, or works belonging to the Cambrian Railways Company without the previous consent of the said company.

Costs of Order.

37. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 20

Southend.

SOUTHEND.

Order empowering the Southend Waterworks Company (Limited) to maintain and continue Waterworks and works connected therewith at Southend in the county of Essex, and to supply Water to Southend, Prittlewell, and Southchurch in the county of Essex. 25

Short title.

1. This Order may be cited as "The Southend Water Order, 1871."

Incorporation of Acts.

2. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions shall apply as well to any pipes or works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any pipes or works which may be laid down or constructed under the authority of this Order. 30

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of 35

competent jurisdiction," in any Act wholly or partially incorporated with this Order, shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute :

A.D. 1871.
—
Southend.

5 The term "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the several townships, parishes, and places of Southend, Prittlewell, and South-
10 church, all in the county of Essex.

Limits of
Order.

Undertakers.

5. The Southend Waterworks Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "The Undertakers."

Undertakers.

15 6. The share capital of the Undertakers shall not exceed twenty thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Capital.

Maintenance of Waterworks.

20 7. The Undertakers may from time to time, as they think fit, maintain, continue, and use their existing waterworks and works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to main-
tain and con-
tinue works.

Quality of Water.

25 8. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Quality of
water.

Supply.

30 9. The water to be supplied from any pipe of the Undertakers need not be laid on under a pressure greater than that to be afforded from the reservoir of the Undertakers.

Limitation of
pressure.

35 10. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet), furnish to such owner or occupier a sufficient supply for such domestic purposes, at rates not exceeding the amounts following, estimated according to the annual value of the dwelling-house or part of a dwelling-house occupied as a separate dwelling; (that is to say,)

Rates for sup-
ply of water

40 Where the annual rackrent or value of the premises so supplied with water does not exceed seven pounds per annum, at a rate not exceeding two pence per week :

[128.]

A.D. 1871.

Southend.

Where such rackrent or value exceeds seven pounds but does not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings:

Where such annual rackrent or value exceeds twenty pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds:

Where such annual rackrent or value exceeds forty pounds and does not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds ten shillings:

Where such annual rackrent or value exceeds eighty pounds, at a rate per centum per annum not exceeding six pounds:

After the supply of water for domestic purposes, as above stated, and in addition thereto,

For every watercloset beyond the first the sum of five shillings per annum; and

For every bath the sum of ten shillings per annum.

Prohibition from impurities and against waste.

11. The Undertakers shall not be compelled to supply with water any water-closet or private bath, or the pipes or apparatus connected therewith, unless the same shall be so constructed and used as to prevent the waste, misuse, or undue consumption of the water of the Undertakers, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Undertakers, or into any pipes connecting or communicating therewith, or any private baths which shall be so constructed as to contain when filled for use more than fifty gallons of water.

Regulations to be made for preventing waste of water.

12. The Undertakers may from time to time make such regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and amongst other things may prescribe the size, nature and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may interdict any arrangements and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid.

Power for Undertakers to refuse supply where regulations not complied with.

13. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Amendment of 10 & 11 Vict. c. 17. s. 44.

14. Section forty-four of "The Waterworks Clauses Act, 1847," shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Supply of water to tenements in a row.

15. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

16. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and the person, corporation, or company desirous of having the supply.

Southend.
Water supplied
by agreement.

17. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Undertakers
may sell by
measure.

18. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times.

Undertakers
to keep meters
let for hire in
repair.

19. Whose water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Register of
water meters,
&c. to be *prima facie*
evidence.

Penalties.

20. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Penalty for
impurity of
water.

Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

21. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such

Penalty for in-
juring meters,
&c.

A.D. 1871. injury, alteration, or prevention, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *primâ facie* evidence that such injury, alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Southend.

Penalty for mis-user of water by tenant of one of several tenements in a row.

22. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenants not liable to pay arrears of water rents.

23. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several names in one summons or warrant.

24. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.

Warrant of distress shall include costs.

25. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

26. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Saving of existing contracts, &c.

27. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of water by the Southend Waterworks Company, Limited.

Costs of Order.

28. All costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Birkdale.

BIRKDALE.

35

Order empowering the Birkdale Gas Company (Limited) to construct Gasworks in and to manufacture and supply Gas to the township of Birkdale in the county of Lancaster.

Short title of Order.

1. This Order may be cited as the "Birkdale Gas Order, 1871."

Birkdale.
Incorporation
of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Gasworks Clauses Act, 1847," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this Order, or in "The Gasworks Clauses Act, 1847," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this Order,—

15 The term "premises" shall include house and building:
The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and

20 The term "district" in relation to such lighting authority shall mean the area within the limits of supply as defined by this Order within which such lighting authority has such control as aforesaid.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Birkdale in the parish of North Meols in the county of Lancaster.

Limits of Order.

Undertakers.

25 5. The Birkdale Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

30 6. The share capital of the Undertakers shall not exceed seven thousand pounds unless the Undertakers shall be authorized to raise additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Capital.

7. The Undertakers may by agreement purchase or take on lease the lands described in schedule (A.) to this Order annexed.

Power to purchase lands by agreement.

35 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the said Acts, with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers may acquire easements, &c. by agreement.

40 9. The Undertakers shall not hold more than six acres of land.

Undertakers to hold limited quantity of land only.

Construction of Gasworks, Manufacture and Sale of Gas, Coke, and residual Products

45 10. The Undertakers, on any of the lands described in schedule (A.) to this Order annexed, when the same have been acquired by them, may erect and

Undertakers may maintain and erect gas-works on lands

Birkdale.
described in
schedule, and
may make and
sell gas, &c.

maintain, and from time to time alter and enlarge, retorts, gas holders, receivers, purifiers, meters, apparatus, and works, for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, 5 and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Prohibition
against manu-
facturing or
storing gas,
except on lands
described in
schedule (A.)
Difference
with railway
and other com-
panies.

11. The Undertakers shall, not except on the lands described in schedule 10 (A.) to this Order annexed, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on such lands.

12. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross 15 for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

Quality of Gas.

20

As to quality
of gas.

13. The quality of gas supplied by the Undertakers shall be, with respect to its illuminating power at the testing place provided in conformity with the provisions of this Order, such as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by twenty sperm candles of six 25 in the pound, burning one hundred and twenty grains per hour; and such gas shall with respect to its purity be wholly free from sulphuretted hydrogen.

Price of Gas.

Limiting price
of gas

14. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed four shillings and sixpence per one thousand cubic 30 feet.

Discount to be
allowed in cer-
tain cases.

15. Every consumer of gas supplied by the Undertakers who within twenty-eight days after the expiration of any quarter of a year pays to the Undertakers at their office in Birkdale the gas rate due from him for gas supplied during such quarter shall receive, and the Undertakers shall allow 35 in payment of such rate a rebate or discount calculated at the rate of ten pounds per centum per annum.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers to
furnish supply of
gas to owners
and occupiers.

16. The Undertakers shall give and continue to give to every owner or occupier of premises within the limits of supply requiring the same a supply of 40 gas for such premises, and they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid within twenty yards of any main of the Undertakers

shall be defrayed by the Undertakers, and the costs of so much of any such pipe as may be laid for a greater distance than twenty yards from any main of the Undertakers shall be defrayed by such owner or occupier : A.D. 1871.
Birkdale.

5 Provided, that nothing herein contained shall authorise the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall—

10 Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence :

15 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them :

20 Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them :

Provided always, that the Undertakers may after they have given a supply of gas for any premises, by notice in writing require the owner or occupier of
25 such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case
30 any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues.

17. The Undertakers shall supply to any owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for
35 registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

18. Where any owner or occupier is required by this Order to give security
40 to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and
45 binding on all parties.

Where any sum of money is deposited by way of security under the provisions of this Order with the Undertakers, they shall pay interest thereon, so

A.D. 1871.

Birkdale.

Undertakers
may require
consumers to
use meters.

long as the same remains in their hands, at the rate of five pounds per centum per annum.

19. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Repair of
meters.

20. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Undertakers is registered, in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers, if the meter be found in proper order, but otherwise at the expense of the consumer.

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of gas
meters to be
prima facie evi-
dence.

21. The register of the meter shall be prima facie evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the cost of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to re-
move meter and
fittings.

22. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Supply of Gas to Public Lamps.

Birkdale.
Undertakers
to supply gas
to public lamps.

23. The Undertakers shall supply gas to so many public lamps within the limits of supply as the lighting authority of the district shall in writing under the hand of their clerk or other officer from time to time require, and shall light,
5 extinguish, and keep clean the same; and in giving such supply shall light each public lamp for not less than 2,500 hours during the year with an average consumption of not less than 8,000 cubic feet of gas to each such lamp; and the price to be charged by the Undertakers and to be paid by the lighting authority in respect of every such lamp shall not exceed the sum of two pounds two
10 shillings per annum, such sum to include the cost of lighting, extinguishing, and cleansing the said lamps.

Testing of Gas.

24. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with
15 apparatus therein,

Test meter to
be erected.

1. For testing the illuminating power of the gas supplied;
2. For testing the presence in the gas supplied of sulphuretted hydrogen;

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule (B.) to this Order annexed, and shall be so situated
20 and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

25. The local authority, after the passing of the Act confirming this Order,
25 may from time to time appoint or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Order; and such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten
30 o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive.

Appointment
and powers of
gas examiners.

26. The Undertakers may, if they think fit, on each occasion of the testing
35 of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Representation
of Undertakers.

27. Any tests taken in pursuance of this Order shall be taken in accordance with the rules prescribed in Part II. of Schedule (B.) to this Order annexed.

Mode of testing.

28. The gas examiner shall, on the day immediately following that on which
40 the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority and to the Undertakers, and such report shall be receivable in evidence.

Report of gas
examiner.

29. The Undertakers shall give to the gas examiner and to his assistant
45 this Order; and in case the Undertakers make default in complying with any

Access to test-
ing place.

A.D. 1871. of the provisions of this section they shall for every such default be liable to a
Birkdale. penalty not exceeding five pounds.

Sale of Undertaking.

Transfer of
undertaking to
local board, in
a certain event.

30. If at any time within ten years from the passing of the Act confirming this Order the local authority shall be authorised by Parliament to acquire gas 5 works for the purpose of supplying with gas the district in and for which they act, and shall, by notice in writing addressed to the secretary of the Undertakers at their office in Birkdale, signify their wish to purchase the undertaking, the Undertakers may and shall, at the expiration of three months from the date of such notice, sell and convey the same to the local authority for the 10 consideration and upon the terms following:—

If the local authority purchases within the first three years of the said term of ten years, then, upon payment by the local authority to the Undertakers of the expended capital and the then liabilities of the Undertakers, with an additional sum of money sufficient to make up dividends of six 15 pounds per centum per annum to the shareholders from the commencement of the supply of gas up to the completion of the purchase, if dividends at that rate per centum per annum shall not have been paid out of the profits of the Undertakers, and if the local authority purchases, after the said first three years and during the said term of ten years, then, upon 20 payment by the local authority to the Undertakers of the expended capital and liabilities of the Undertakers, with an additional sum of money sufficient to make up dividends of six pounds per centum per annum during the said first three years, and dividends of seven pounds per centum per annum after the said first three years up to the completion of the 25 purchase, if dividends during the said periods and at the said rates respectively shall not have been paid out of the profits of the Undertakers; and the receipt of the majority of the directors of the Undertakers for the time being shall be a sufficient discharge for the purchase money of this undertaking, to be paid to them; and the local authority shall not be 30 bound to see to the application of such purchase money, or be answerable for the misapplication or nonapplication thereof.

In case of difference, Board of Trade to decide.

31. If any dispute or difference arises between the local authority and the Undertakers respecting all or any of the matters or things relating to the transfer of the undertaking, such dispute or difference shall be referred to the 35 Board of Trade, and their decision shall be final and binding on both parties.

Action, &c. not to abate.

32. No action, suit, prosecution, or other proceeding whatsoever, commenced or liable to be commenced either by or against the Undertakers, shall abate or be discontinued or prejudicially affected by this Order or by such transfer as aforesaid, but the same shall continue and have effect, either in favour of or 40 against the Undertakers, in the same manner in all respects as the same would have continued and taken effect in relation to the Undertakers if this Order had not been made.

Upon the execution of conveyance, the

33. Immediately upon the execution by the Undertakers of a deed of conveyance under their common seal to the local authority, in which deed the 45

Birkdale.
undertaking to
vest in local
authority.

consideration money shall be fully and truly stated, and which deed shall be duly stamped for denoting the full and proper stamp duty in respect of such consideration, the undertaking shall, by virtue of such deed, become actually vested in the local authority for all the estate and interest of the Undertakers
5 therein at the date of such conveyance; and thereafter the local authority shall, for the purpose of carrying on the undertaking and doing all things usually incident thereto, but subject nevertheless to the restriction in this Order as to manufacturing or storing gas, have the like powers within the district in and for which they act as the Undertakers would have had within
10 the limits of supply.

Penalties.

34. Whenever the Undertakers wilfully fail to give a supply of gas to any owner or occupier of premises entitled to receive the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty shillings for
15 each day during which such default continues.

Penalty for
failure to supply
gas to owners
and occupiers.

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps, they shall be liable to a penalty not exceeding forty shillings for each default.

If on any day the gas supplied by the Undertakers is of less illuminating
20 power or of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power or excess of impurity was
25 occasioned by an unavoidable cause or accident.

35. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes,
30 or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings
35 belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of
40 artificial means for causing such alteration or prevention, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Penalty for in-
juring meters.

A.D. 1871.

*Birkdale.**Miscellaneous.*

Incoming tenants not liable to pay arrears of gas rents, &c.

36. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left 5 unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Recovery of sums due to Undertakers.

37. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the 10 Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Several names in one summons or warrant.

38. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums. 15

Warrant of distress shall include costs.

39. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. 20

Service of notices by Undertakers.

40. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then 25 by being affixed for three days to some conspicuous part of the premises to which such notice relates.

Liability to gas rent not to disqualify justices from acting.

41. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order. 30

Costs of Order.

42. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE A.

All those four closes, pieces, or parcels of land adjoining each other, three of 35 which are respectively known as the Reedy Piece, or Little Shrogs, Big Shrogs, and New Meadow, with a small strip of land forming part of a piece of land called the Rails, situate in the township of Birkdale, in the parish of North Meols, in the county of Lancaster, containing altogether five acres and 1 rood, or thereabouts, all which said closes, pieces, or parcels of land, and the said 40

strip of land, are now in the occupation of Mary Rimmer, as tenant, and are bounded on the south-east by the boundary brook dividing the township of Birkdale aforesaid, and the township and parish of Halsall in the said county, on the south-west in part by Wham Lane, and in other part by land belonging
5 to Thomas Weld Blundell, Esquire, and occupied by James Blundell, on the north-west by land belonging to the said Thomas Weld Blundell, and occupied by the said Mary Rimmer, and on the north-east by land leased or agreed to be leased by the said Thomas Weld Blundell to the Birkdale local board for sewage purposes.

A.D. 1871.

Birkdale.

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SCHEDULE B.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch
15 photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The apparatus for testing the presence in the gas of sulphuretted hydrogen.—
A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dis-
20 solved in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
25 testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
30 hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The rate of consumption for the candles shall be 120 grains each per hour. Before and after making
35 each set of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the
40 illuminating power of that testing.

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H 2

A.D. 1871.

*2nd. Mode of testing for sulphuretted hydrogen.**Birkdale.*

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for three minutes, and if any discolouration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

5

Bognor.

BOGNOR.

Order empowering the Bognor Gaslight and Coke Company, Limited, to maintain and continue Gasworks, and to manufacture and supply Gas, in the town of Bognor and its vicinity in the County of Sussex.

10

Short title.

1. This Order may be cited as "The Bognor Gas Order, 1871."

Incorporation
of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Gasworks Clauses Act, 1847," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the last-mentioned Act shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

15

20

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this Order, or in "The Gasworks Clauses Act, 1847," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

30

In this Order,—

The term "premises" shall include house and building:

The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and

The term "district" in relation to such lighting authority shall mean the area within the limits of supply as defined by this Order within which such lighting authority has such control aforesaid.

35

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town of Bognor and the parishes of South Bersted and Felpham in the county of Sussex.

40

A.D. 1871.

Undertakers.

Bognor.

Undertakers.

5. The Bognor Gaslight and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

5 6. The share capital of the Undertakers shall not exceed eight thousand five hundred pounds, unless the Undertakers shall be authorized to raise additional share capital by provisional order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. Capital.

10 7. The Undertakers may from time to time purchase, by agreement, and hold, for any of the purposes of this Order, any land not exceeding two acres, in addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as the "deposited map"). Power to purchase additional lands.

15 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. Undertakers may acquire easements, &c. by agreement.

20 9. The Undertakers may at any time sell and dispose of any lands belonging to them, or which they may acquire, and which are not required for the purposes of their undertaking, and, except as to the time within which such sale shall take place, the provisions of the Lands Clauses Acts relating to the sale of superfluous lands shall apply to any such sale; and the Undertakers may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which are not required for the purposes of this Order. Sale of superfluous lands.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and residual Products.

30 10. The Undertakers, on the lands shown on the deposited map and described in the schedule (A.) to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. Undertakers may maintain and continue gasworks on lands shown on deposited map, and may make and sell gas, &c.

40 11. The Undertakers shall not, except on the lands described in the schedule (A.) to this Order annexed, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on such lands, upon any land within three hundred yards of any dwelling house existing Prohibition against manufacturing or storing gas, except on lands described in schedule (A.)

A.D. 1871. at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling house.

Bognor.
Differences
with railway
and other com-
panies.

12. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for 5 gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

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As to quality
of gas.

13. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce, at the testing place provided in conformity with the provisions of this Order, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound; and such gas shall, with respect to its purity, be wholly free from sulphuretted hydrogen. 15

Price of Gas.

Limiting price
of gas.

14. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and tenpence per one thousand cubic feet within the district of the Bognor Local Board of Health, nor the sum of six shillings and eightpence per one thousand cubic feet elsewhere within the 20 limits of supply.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers
to furnish
supply of
gas to owners
and occupiers.

15. The Undertakers shall give and continue to give to every owner or occupier of premises within twenty-five yards of any main of the Undertakers requiring the same a supply of gas for such premises, and they shall furnish 25 any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, 30 and the costs of so much of any such pipe as may be laid for a greater distance than thirty feet from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided that nothing herein contained shall authorize the Undertakers to enter into or upon any private property for the purpose of laying down 35 such pipes unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the 40 service of such notice) upon which such supply is required to commence:

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for

a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them: A.D. 1871.
Bognor.

- 5 Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them:

10 Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security,
15 or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers, may if they please, discontinue to supply of gas for such premises so long as such failure continue.

16. The Undertakers shall supply to any owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for registering gas supplied by them.: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same. Undertakers to supply meters.

17. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties. Nature and amount of security.

Where any sum of money is deposited, by way of security, under the provisions of this Order, with the Undertakers, they shall pay interest thereon so long as the same remains in their hands at the rate of five pounds per centum per annum.

18. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act. Undertakers may require consumers to use meters.

Bognor.
Repair of
meters.

19. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas supplied by the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, 5 remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

The Undertakers shall at all times, at their own expense, keep all 10 meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be iable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable 15 times.

Register of gas
meters to be
primâ facie
evidence.

20. The register of the meter shall be primâ facie evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be 20 determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to re-
move meter
and fittings.

21. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers 25 are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings 30 or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal. 35

Supply of Gas to Public Lamps.

Supply and
price of gas to
public lamps.

22. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from time to time require to be supplied, and the price to be charged by the Undertakers, 40 and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

As to consump-
tion of gas sup-
plied to the
public lamps.

23. The gas supplied to the public lamps shall be consumed by meter at the option of the lighting authority of the district or of the Undertakers; and in 45

case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it. A.D. 1871.

Bognor.

If the gas be supplied to the public lamps by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

24. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same. Governors for public lamps.

25. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. For settlement of differences between the Undertakers and the lighting authority.

Testing of Gas.

26. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein, Test meter to be erected.

1. For testing the illuminating power of the gas supplied ;

2. For testing the presence in the gas supplied of sulphuretted hydrogen ;

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule (B.) to this Order annexed, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep such testing place and apparatus in good repair and working order.

27. Any local authority within the limits of supply, after the passing of the Act confirming this Order, may from time to time appoint or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Order ; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive. Appointment and powers of gas examiners.

28. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing. Representation of Undertakers.

Bognor.
Report of gas
examiner.

29. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

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Any five or
more consu-
mers may ap-
point person to
test gas.

30. Any five or more consumers of gas supplied by the Undertakers may, by order in writing, appoint some competent person to proceed to the works of the Undertakers for the purpose of testing the illuminating power and purity of the gas supplied by them; and the person so appointed may at any reasonable hour in the daytime, on producing such order, enter on the premises of the Undertakers, and, in the presence of the superintendent or other officer of the Undertakers, test the illuminating power and purity of the gas.

10

The costs and expenses attending any such testing may be ascertained by two justices, and shall be paid by the Undertakers in the event of any penalty being recovered against them under the provisions of this Order, by reason of the illuminating power or the purity of the gas not being in conformity with the provisions of this Order on the occasion of such testing, but otherwise the said costs and expenses shall be paid by the consumers who appointed the person to test the gas.

15

Mode of testing.

31. Any tests to be taken in pursuance of this Order shall be taken in accordance with the rules prescribed in part II. of the schedule (B.) to this Order annexed.

20

Access to test-
ing place.

32. The Undertakers shall give to every gas examiner and to his assistants, and to every person appointed to test gas by consumers under the authority of this Order access to the testing place, and shall afford all facilities for the proper execution of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

25

Penalties.

Penalty for
failure in supply
of gas.

33. Whenever the Undertakers wilfully fail to give a supply of gas to any owner or occupier of premises entitled to require the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

30

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps, they shall be liable to a penalty not exceeding forty shillings for each default.

35

If on any day the gas supplied by the Undertakers is of less illuminating power or purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

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Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident.

Penalty for in-
juring meters.

34. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly

45

A.D. 1871.

Bognor.

registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding 5 five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas 10 supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *primâ facie* evidence that 15 such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Miscellaneous.

35. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying to them the gas 20 rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of gas rents, &c.

36. Whenever any person neglects to pay any rent or sum due and payable 25 by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Recovery of sums due to Undertakers.

37. Any summons or warrant issued for any of the purposes of this Order 30 may contain in the body thereof or in a schedule thereto several names and several sums.

Several names in one summons or warrant.

38. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay 35 such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

39. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-named place of abode, or sent by 40 post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot, after due inquiry, be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

Service of notices by Undertakers.

40. No justice or judge of any county court or quarter sessions shall be dis- 45 qualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order.

Liability to gas rent not to disqualify justices from acting.

Bognor.
Saving of
existing con-
tracts, &c.

41. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of gas by the Bognor Gaslight and Coke Company, Limited.

Costs of Order.

42. All the costs, charges, and expenses of and incidental to the applying for, 5 preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE (A.)

Land occupied by the Bognor Gas Light and Coke Company (Limited) 10 gas works, and other apparatus and buildings, and land used in connection therewith, situated in the parish of South Bersted in the county of Sussex, bounded on the north by the boundary line separating the tithing of Bognor from the other parts of the parish of South Bersted; on the east in part by Circus Road, and in other part by a private road leading to Circus Road; on 15 the south-west by land belonging to Charles Thomas Marshall.

SCHEDULE (B.)

PART I.

Regulations in respect of testing apparatus.

20

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be

25

A Sugg's "London" Argand No. 1., with a 6-inch by 1½-inch glass chimney; and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

30

2. *The apparatus for testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

PART II.

A.D. 1871.

Rules as to mode of testing gas.

Bognor.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
5 testings begin, and it is to be kept continuously burning from the beginning
to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals
of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
10 hour.

The candles are to be lighted at least ten minutes before beginning each
testing, so as to arrive at their normal rate of burning, which is shown when
the wick is slightly bent and the tip glowing. The rate of consumption
for the candles shall be 120 grains each per hour. Before and after making
15 each set of ten observations of the photometer the gas examiner shall weigh the
candles, and if the combustion shall have been more or less per candle than
120 grains per hour he shall make and record the calculations requisite to
neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the
20 illuminating power of that testing.

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of
bibulous paper moistened with the solution of acetate of lead for three minutes,
and if any discolouration of the test paper is found to have taken place this is
25 to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

HAWKHURST.

Hawkhurst.

*Order empowering the Hawkhurst Gas Company, Limited, to
maintain and continue Gasworks, and to manufacture and
supply Gas in the parish of Hawkhurst in the county of Kent.*

30 1. This Order may be cited as "The Hawkhurst Gas Order, 1871."

Short title.

2. The provisions of "The Gasworks Clauses Act, 1847," are hereby incor-
porated with this Order, except where the same are expressly varied by this
Order; and the said provisions shall apply as well to the mains, pipes, and
works of the Undertakers laid down or constructed before the passing of the
35 Act confirming this Order, and situate within the limits of supply as defined by
this Order, as to any mains, pipes, or works which may be laid down or
constructed under the authority of this Order.

Incorporation
of the Gas-
works Clauses
Act, 1847.

Hawkhurst.
Interpretation.

3. The several words and expressions to which by "The Gasworks Clauses Act, 1847," and by "The Gas and Water Works Facilities Act, 1870." meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this Order, or in "The Gasworks Clauses Act, 1847," shall be read 5 and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this Order,—

The term "premises" shall include house and building: 10

The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and

The term "district" in relation to such lighting authority shall mean the area within the limits of supply as defined by this Order within which 15 such lighting authority has such control as aforesaid.

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Hawkhurst in the county of Kent.

Undertakers.

20

Undertakers. 5. The Hawkhurst Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall not exceed two thousand pounds, unless the Undertakers shall be authorized to raise additional share capital by provisional order under "The Gas and Water Works Facilities Act, 25 1870," or by Act of Parliament.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke and residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule (A.), and may make and sell gas, &c. 7. The Undertakers, on the lands shown on the map deposited for the purposes of this Order, and described in the schedule (A.) to this Order annexed, 30 may maintain and continue, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within 35 the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Prohibition against manufacturing or storing gas, except on lands described in schedule (A.) 8. The Undertakers shall not, except on the lands described in the schedule 40 (A.) to this Order annexed, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on such lands, upon any land within three hundred yards of any dwelling-house existing at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house. 45

9. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, 5 altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Hawkhurst.
Differences
with railway
and other
companies.

Quality of Gas.

10. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce, at the testing place provided in conformity with the provisions of this Order, a light equal in intensity to the light produced by fourteen sperm candles; and such gas shall, with respect to its purity, be wholly free from sulphuretted hydrogen.

As to quality
of gas.

Price of Gas.

15 11. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet.

Limiting price
of gas.

Supply of Gas to Owners and Occupiers of Premises.

12. The Undertakers shall give, and continue to give, to every owner or occupier of premises within twenty-five yards of any main of the Undertakers requiring the same, a supply of gas for such premises, and they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) 20

Undertakers
to furnish
supply of
gas to owners
and occupiers.

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, and the costs of so much of any such pipe as may be laid for a greater distance than thirty feet from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided, that nothing herein contained shall authorize the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises. 30

Every owner or occupier of premises requiring a supply of gas shall—

35 Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence:

40 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them:

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Hackhurst.

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them :

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers may, if they please, discontinue the supply of gas for such premises so long as such failure continues.

Undertakers to
supply meters.

13. The Undertakers shall supply to any owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for registering gas supplied by them : Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

Nature and
amount of
security.

14. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Where any sum of money is deposited, by way of security, under the provisions of this Order, with the Undertakers, they shall pay interest thereon, so long as the same remains in their hands, at the rate of five pounds per centum per annum.

Undertakers
may require
consumers to
use meters.

15. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Repair of
meters.

16. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas supplied by the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through

such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the
5 expense of the consumer.

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Hawkhurst.

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The
10 Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

17. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be
15 recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Register of gas meters to be *prima facie* evidence.

18. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand
25 of the secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in
30 the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Power to remove meter and fittings.

Supply of Gas to Public Lamps.

19. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the
35 district may in writing under the hand of their clerk or other officer from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

Supply and price of gas to public lamps.

20. The gas supplied to the public lamps shall be consumed by meter at the option of the lighting authority of the district or of the Undertakers; and in case of its being consumed by meter the meter shall be provided and fixed
40 by the Undertakers, and be paid for by the party requiring it.

As to consumption of gas supplied to the public lamps.

If the gas be supplied to the public lamps by average meter indication,
45 the Undertakers shall, for securing uniformity of consumption between metered

- A.D. 1871. and unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp. 5
- Hawkhurst.*
- Governors for public lamps. 21. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same. 10
- For settlement of differences between the Undertakers and the lighting authority. 22. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. 15
- Testing of Gas.*
- Test meter to be erected. 23. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein,
1. For testing the illuminating power of the gas supplied; 20
 2. For testing the presence in the gas supplied of sulphuretted hydrogen.
- The said apparatus shall be in accordance with the regulations prescribed in Part I. of the schedule (B.) to this Order annexed, and shall be so situated and arranged that it may be used for the purpose of testing the illuminating power and purity of any gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep such testing place and apparatus in good repair and working order. 25
- Appointment and powers of gas examiners. 24. The local authority, after the passing of the Act confirming this Order, may from time to time appoint or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Order; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive. 30 35
- Representation of Undertakers. 25. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing. 40
- Mode of testing. 26. Any tests to be taken in pursuance of this Order shall be taken in accordance with the rules prescribed in part II. of the schedule (B.) to this Order annexed.
- Report of gas examiner. 27. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, 45

make and deliver a report of the results of his testing to the local authority and to the Undertakers, and such report shall be receivable in evidence.

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Access to testing place.

28. The Undertakers shall give to the gas examiner and to his assistants access to the testing place, and shall afford all facilities for the proper execution of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

Penalties.

29. Whenever the Undertakers wilfully fail to supply gas to any owner or occupier of premises entitled to require the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Penalty for failure in supply of gas.

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps, they shall be liable to a penalty not exceeding forty shillings for each default.

If on any day the gas supplied by the Undertakers is of less illuminating power or purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident.

30. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Penalty for injuring meters.

Miscellaneous.

31. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of gas rents, &c.

Hawkhurst.
Recovery of
sums due to
Undertakers.

32. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

5

Several names
in one summons
or warrant.

33. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in a schedule thereto several names and several sums.

Warrant of
distress shall
include costs.

34. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

10

Service of
notices by
Undertakers.

35. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-named place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot, after due inquiry, be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

15

Liability to gas
rent not to dis-
qualify justices
from acting.

36. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order.

20

Saving of
existing con-
tracts, &c.

37. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order, with respect to the supply of gas by the Hawkhurst Gas Company, Limited.

25

Costs of Order

38. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

30

SCHEDULE A.

All that piece of land situated in the parish of Hawkhurst, in the county of Kent, bounded on the east by land belonging to Ebenezer Comfort, on the south by the Rye and Flimwell turnpike road, and on the north and west by land formerly belonging to Henry Maynard and now to the Right Honourable the Earl of Home and others, and containing half an acre or thereabouts.

35

SCHEDULE B.

PART I.

40

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.*

The burner to be used for testing the gas shall be

A Sugg's "London" Argand No. 1., with a 6-inch by 1 $\frac{3}{4}$ -inch glass chimney ;
and if at any time the gas flame tails over the top of the glass a 6-inch
by 2-inch chimney shall be used.

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Hawkurst.

5 The candles used for testing the gas shall be sperm candles of six to the
pound, and two candles shall be used together.

2. The apparatus for testing the presence in the gas of sulphuretted hydrogen.--
A glass vessel containing a strip of bibulous paper moistened with a solution of
acetate of lead, containing sixty grains of crystallized acetate of lead dissolved
10 in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
15 testings begin, and it is to be kept continuously burning from the beginning
to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals
of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
20 hour.

The candles are to be lighted at least ten minutes before beginning each
testing, so as to arrive at their normal rate of burning, which is shown when the
wick is slightly bent and the tip glowing. The rate of consumption for
the candles shall be 120 grains each per hour. Before and after making
25 each set of ten observations of the photometer the gas examiner shall weigh the
candles, and if the combustion shall have been more or less per candle than
120 grains per hour he shall make and record the calculations requisite to
neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing
30 the illuminating power of that testing.

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of
bibulous paper moistened with the solution of acetate of lead for three minutes,
and if any discolouration of the test paper is found to have taken place this is
35 to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

NORTHAMPTON.

Northampton.

Order empowering the Northampton Gaslight Company to raise additional Capital.

1. This Order may be cited as "The Northampton Gas Order, 1871."

Short title.

40 2. This Order, and "The Northampton Gasworks Act, 1858," shall be
construed together, except so far as such construction would be inconsistent
therewith or repugnant thereto.

Construction
of order.

Northampton.

Incorporation of certain provisions of the Companies Clauses Act, 1863. Undertakers.

Power to raise additional capital.

3. Parts I., II., and III. of "The Companies Clauses Act, 1863," shall be incorporated with and form part of this Order. For the purposes of such incorporation the term "special Act" in the said Act shall be construed to mean this Order.

4. The Northampton Gaslight Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole forty-five thousand pounds, by the issue of new shares or new stock, either ordinary or preference, or partly ordinary and partly preference, as they may think proper, but not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and 10
2. Borrow on mortgage any sum not exceeding, with the amount which they are already authorised to raise by mortgage, fifteen thousand pounds, and may also, for the purposes aforesaid, from time to time borrow on mortgage any further sum not exceeding in the whole twelve thousand five hundred pounds, at the times and subject to the restrictions herein-after contained; that is to say, when fifteen thousand pounds of the amount hereby authorised to be raised by additional shares has been subscribed for, issued, and accepted, and one half thereof has been paid up and certified as herein-after mentioned, the sum of three thousand seven hundred and fifty pounds; and a similar sum not exceeding three thousand seven hundred and fifty pounds when a further sum of fifteen thousand pounds of the amount hereby authorised to be raised by additional shares shall be subscribed for, issued, and accepted, and one half thereof shall have been paid up and certified as herein-after mentioned; and a further sum not exceeding three thousand seven hundred and fifty pounds when the remaining fifteen thousand pounds of the said amount hereby authorised to be raised by additional shares has been subscribed for, issued, and accepted, and one half thereof shall have been paid up and certified as herein-after mentioned; but no part of any such sum shall be borrowed until the Undertakers have from time to time proved to the justice who is to certify, under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the required amount of additional shares has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such additional shares was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production from time to time to such justice of the books of the Undertakers, or of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof. 40

Limit of dividend upon new capital.

6. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this

Order than seven pounds and ten shillings in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital or of any part thereof as may be issued as preference capital.

A.D. 1871.

Northampton.

5 7. Save as herein otherwise provided, the holders of shares or stock in the additional capital hereby authorised to be raised shall be entitled to the like rights and privileges and be subject to the like liabilities as the holders of shares or stock in the existing ordinary capital of the Undertakers.

Privileges, &c. of the holders of new capital.

10 8. The mortgagees under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorise the appointment of a receiver, in the event of the principal money or interest due on such mortgages not being duly paid, the amount owing to the mortgagees by whom the application for a receiver shall be made shall be not less than three thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

15 9. Every mortgage granted by the Undertakers in pursuance of the powers of the Northampton Gasworks Act, 1858, shall have priority over all mortgages granted under this Order.

Priority of existing mortgages.

10. In respect of any part of the money hereby authorised to be raised by mortgage, the Undertakers may create and issue debenture stock.

Power to issue debenture stock.

20 11. All moneys raised under this Order by the Undertakers, whether by shares, debenture, stock, or borrowing, shall be applied only for the purposes authorised by the Northampton Gasworks Act, 1858.

Application of moneys.

25 12. The annual account to be sent by the Undertakers to the clerk of the peace for the county of Northampton, under the thirty-eighth section of "The Gasworks Clauses Act, 1847," shall be made out to the twenty-fourth day of June, and shall be transmitted free of charge to the said clerk to the peace on or before the thirtieth of November in each year.

As to annual accounts.

30 13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be defrayed by the Undertakers.

Costs of Order.

NORTH MIDDLESEX.

North Middlesex.

Order empowering the North Middlesex Gas Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas, in portions of the parishes of Hendon and Finchley in the county of Middlesex.

35

1. This Order may be cited as "The North Middlesex Gas Company's Order, 1871."

Short title.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to

Incorporation of Acts.

[128.]

K 4

A.D. 1871. the entry on lands by the Promoters), and "The Gasworks Clauses Act, 1847,"
North are hereby incorporated with this Order, except where the same are expressly
Middlesex. varied by this Order, and the said provisions of the last-mentioned Act shall
 apply as well to the mains, pipes, and works of the Undertakers laid down or
 constructed before the passing of the Act confirming this Order, and situate 5
 within the limits of supply as defined by this Order, as to any mains, pipes, or
 works which may be laid down or constructed under the authority of this
 Order.

Interpretation. 3. The several words and expressions to which by the Acts wholly or in part
 incorporated with this Order, and by "The Gas and Waterworks Facilities 10
 Act, 1870," meanings are assigned, have in this Order the same respective
 meanings: Provided always, that the expression "superior courts" or "court
 of competent jurisdiction" in this Order, or in any Act wholly or partially
 incorporated therewith, shall be read and have effect as if the debt or demand 15
 with respect to which the expression is used were an ordinary simple contract
 debt and not a debt or demand created by statute:

In this Order—

The term "premises" shall include house and building;

The term "lighting authority" shall include any local or road authority
 having the control of the lighting of any road within the limits of supply 20
 as defined by this Order; and

The term "district" in relation to such lighting authority shall mean the
 area within the limits of supply as defined by this Order within which
 such lighting authority has such control as aforesaid.

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and 25
 have effect (in this Order referred to as "the limits of supply") shall include
 the district following; that is to say,—

The district commences at a point in a certain brook known as Dollis Brook,
 eighty-five yards southward of Frith's Bridge, extends in a northerly
 direction along the centre of the said brook to the junction of the boundary 30
 of the counties of Hertford and Middlesex with the said Dollis Brook,
 thence westward along the said county boundary to the junction of the
 boundary of the parishes of Edgware and Hendon with the said county
 boundary, thence southward along the said parish boundary to a point in
 the said boundary one hundred yards south of a certain lane known as 35
 Hale Lane, thence in a south-easterly direction by an imaginary line to a
 point on the Midland Railway eight hundred yards southwards of the
 south-western platform of the Mill Hill station of the said railway, thence
 southward along the said railway, including the same, to a certain lane 40
 known as Collin Deep or Ancient Lane, thence in a south-easterly direc-
 tion in an imaginary line to a point in a certain lane known as Upper
 Gutter Hedge Lane, three hundred yards north-eastward of Gutter Hedge
 Farmhouse, thence eastward in an imaginary line to a point in Golder's
 Green two hundred and twenty yards northward of the junction of Hoop
 Lane with Golder's Green aforesaid, thence across the road in an easterly 45
 direction to a point twenty yards eastward of the said road, thence in a
 north-westerly direction in an imaginary line to a point formed by the

junction of Mutton Brook with Dollis Brook before-mentioned and the River Brent, thence eastward along the centre of the said brook to a point one hundred yards west of a certain road known as Finchley High Road, thence south-eastward and parallel to the said road at a distance of one hundred yards to the boundary of the parishes of Hornsey and Finchley, thence northward along the said boundary to within sixty yards of a certain brook known as Bound's Green Brook, thence eastward and parallel to the said brook, at a distance of sixty yards, to within sixty yards of the Finchley High Road before mentioned, thence northward and parallel to the said road at a distance of sixty yards to a certain lane known as Woodhouse Lane, thence westward along such lane, excluding the same, to the Finchley High Road before-mentioned, thence northward along the centre of the said Finchley High Road to Moss Hall Lane, thence westward along the said lane, excluding the same, to a point thirty-four yards west of Ballard's Lane, thence southward and parallel to the said lane to a point one hundred and fifty yards south of Moss Hall Lane before mentioned, and thence westward by an imaginary line to the before-mentioned point in Dollis Brook, eighty-five yards south of Frith's Bridge.

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*North
Middlesex.*

Undertakers.

20 5. The North Middlesex Gas Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "The Undertakers."

The Undertakers.

25 6. The share capital of the Undertakers shall not exceed fifteen thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by provisional Order, under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Capital.

30 7. The Undertakers may from time to time purchase by agreement, and hold, for any of the purposes of this Order, any land not exceeding two acres, in addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as the "deposited map"), and described in the Schedule (A.) to this Order annexed.

Power to purchase additional lands.

35 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers may acquire easements, &c. by agreement.

40 9. The Undertakers may at any time sell and dispose of any lands belonging to them, or which they may acquire, and which are not required for the purposes of the Undertakers; and, except as to the time within which such sale shall take place, the provisions of the Lands Clauses Acts relating to the sale of superfluous lands shall apply to any such sale; and the Undertakers may also from time to time sell and dispose of any works, buildings, or structures on any lands belonging to them which are not required for the purposes of this Order.

Sale of superfluous lands.

A.D. 1871.

*North
Middlesex.*

Undertakers
may maintain
and erect gas-
works on lands
described
inschedule (A),
and may make
and sell gas, &c.

*Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas,
Coke, and residual Products.*

10. The Undertakers, on the lands shown on the deposited map, and described in the Schedule (A.) to this Order annexed, may maintain and continue, and from time to time alter and enlarge their existing retorts, gas- 5 holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, 10 asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Prohibition
against manu-
facturing or
storing gas,
except on
lands described
inschedule (A.)

11. The Undertakers, shall not, except on the lands described in the Schedule (A.) to this Order annexed, manufacture gas or any residual products 15 arising in and from the manufacture thereof, nor shall they store gas, except on such lands, upon any land within three hundred yards of any dwelling house existing at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling 20 house.

Differences
with railway
and other
companies.

12. If any difference arises between the Undertakers, and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, 25 the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

Quality of Gas.

As to quality
of gas.

13. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce, at the testing place provided in 30 conformity with the provisions of this Order, a light equal in intensity to the light produced by *fourteen* sperm candles; and such gas shall with respect to its purity be wholly free from sulphuretted hydrogen.

Price of Gas.

Limiting
price of gas.

14. The price to be charged by the Undertakers for gas supplied by them to 35 consumers shall not exceed five shillings per one thousand cubic feet of gas, and so in porportion for any less quantity, so supplied: Provided nevertheless, that every fraction or portion of one hundred feet may be charged as one hundred feet.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers to
furnish supply
of gas to owners
and occupiers.

15. The Undertakers shall give and continue to give to every owner or occupier of premises within twenty-five yards of any main of the Undertakers requiring the same a supply of gas for such premises, and they shall furnish 40

any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) A.D. 1871.

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Middlesex.*

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, and the costs of so much of any such pipe as may be laid for a greater distance than thirty feet from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided that nothing herein contained shall authorize the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence;

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them;

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them:

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they please, discontinue the supply of gas for such premises so long as such failure continues.

16. The Undertakers shall supply to any owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter, if he desires to purchase the same, or of the rent of such meter, if he desires to hire the same.

Undertakers to supply meters.

17. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agree-

Nature and amount of security.

A.D. 1871. ment, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

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*North
Middlesex.*

Where any sum of money is deposited by way of security under the provisions of this Order with the Undertakers, they shall pay interest thereon, so long as the same remains in their hands, at the rate of five pounds per centum per annum.

Undertakers
may require
consumers to
use meters.

18. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled “An Act for regulating measures used in sales of gas,” and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Repair of
meters.

19. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him, whereby any gas supplied by the Undertakers is registered, in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of gas
meters to be
prima facie
evidence.

20. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to re-
move meter
and fittings.

21. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the

secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

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Middlesex.*

Supply of Gas to Public Lamps.

22. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the district may in writing under the hand of their clerk from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

Supply and price of gas to public lamps.

23. The gas supplied to the public lamps shall be consumed by meter at the option of the lighting authority of the district or of the Undertakers; and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

As to consumption of gas supplied to the public lamps.

20 If the gas be supplied to the public lamps by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

24. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Governors for public lamps.

25. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For settlement of differences between the Undertakers and the lighting authority.

Testing of Gas.

26. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein,

Test meter to be erected.

1. For testing the illuminating power of the gas supplied;

2. For testing the presence in the gas supplied of sulphuretted hydrogen.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule (B.) to this Order annexed, and shall be so situated and

A.D. 1871. arranged as to be used for the purpose of testing the illuminating power and
North purity of the gas supplied by the Undertakers, and the Undertakers shall at all
Middlesex. times thereafter keep such testing place and apparatus in good repair and
 working order.

27. Any local authority within the limits of supply, after the passing of the 5
 Act confirming this Order, may from time to time appoint, or may appoint and
 keep appointed, a competent and impartial person to be a gas examiner to
 test the gas at the testing place provided in conformity with the provisions
 of this Order; and every such gas examiner may there test the illuminating 10
 power and purity of the gas supplied by the Undertakers, on every day between
 the hours of five o'clock and ten o'clock in the afternoon from the first day
 of October to the thirty-first day of March, both inclusive, and on every day
 between the hours of eight o'clock and eleven o'clock in the afternoon from the
 first day of April to the thirtieth day of September, both inclusive.

Representation of Undertakers. 28. The Undertakers may, if they think fit, on each occasion of the testing 15
 of the gas by a gas examiner, be represented by some officer, but such officer
 shall not interfere in the testing.

Mode of testing. 29. Any tests to be taken in pursuance of this Order shall be taken in
 accordance with the rules prescribed in Part II. of the Schedule (B.) to this
 Order annexed. 20

Report of gas examiner. 30. The gas examiner shall, on the day immediately following that on which
 the testing of the illuminating power or purity of the gas has been conducted,
 make and deliver a report of the results of his testing to the local authority by
 whom he was appointed, and to the Undertakers, and such report shall be
 receivable in evidence. 25

Access to testing place. 31. The Undertakers shall give to every gas examiner and to his assistants
 access to the testing place, and shall afford all facilities for the proper execution
 of this Order; and in case the Undertakers make default in complying with
 any of the provisions of this section they shall for every such default be liable
 to a penalty not exceeding five pounds. 30

Penalties.

Penalty for failure in supply of gas. 32. Whenever the Undertakers wilfully fail to give a supply of gas to any
 owner or occupier of premises entitled to require the same under the
 provisions of this Order, they shall be liable to a penalty not exceeding forty
 shillings for each day during which such default continues. 35

Whenever the Undertakers wilfully fail to supply gas as by this Order
 required to any of the public lamps, they shall be liable to a penalty not
 exceeding forty shillings for each default.

If on any day the gas supplied by the Undertakers is of less illuminating
 power or purity than it ought to be according to the provisions of this Order, 40
 the Undertakers shall in every such case be liable to a penalty not exceeding
 ten pounds.

Provided that no penalty shall be incurred in any case with respect to which
 it is proved that the defect of illuminating power or excess of impurity was
 occasioned by an unavoidable cause or accident. 40

*North
Middlesex.*
Penalty for in-
juring meters.

33. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, 5 or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has 10 wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so 15 offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

20 *Miscellaneous.*

34. In case any consumer of gas supplied by the Undertakers leave the premises where such 'gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left 25 unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of gas rents, &c.

35. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the 30 Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Recovery of sums due to Undertakers.

36. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.

Several names in one summons or warrant.

35 37. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

40 38. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last named place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then 45 by being affixed for three days to some conspicuous part of the premises to which such notice relates.

Service of notices by Undertakers.

*North
Middlesex.*
Liability to gas
rent not to dis-
qualify justices
from acting.
Saving of
existing con-
tracts, &c.

39. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order.

40. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act 5 confirming this Order with respect to the supply of gas by the North Middlesex Gas Company, Limited.

Costs of Order.

41. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

10

SCHEDULE (A.)

The lands now used for the purposes of manufacturing gas and gas products by the North Middlesex Gas Company, Limited, now belonging to the said Company, situated in the parish of Hendon, in the county of Middlesex, and 15 containing one acre and eighteen poles, or thereabouts, and bounded on the northerly side by the Great Northern Railway, on the easterly side by a field in the occupation of — Trinder, on the southerly side by other land belonging to the North Middlesex Gas Company (and described below), and on the westerly side by a field forming part of a farm known as “Dole Farm,” in the occupation 20 of George Woolley, the whole being formerly portion of a field known as the “Breeches Field”; and a further portion of the same field containing one acre and three quarters or thereabouts, which adjoins and is bounded by the first-named lands on the northerly side, on the easterly and part of the southerly side by the before-mentioned field in the occupation of the said — Trinder, on the 25 remaining portion of the southerly side by a field in the occupation of the said — Trinder, and on the westerly side by the before-mentioned field and a portion of another field forming parts of Dole Farm aforesaid; and which lands contain together upwards of two acres and three quarters.

SCHEDULE (B.)

30

PART I.

Regulations in respect of testing apparatus.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen’s photometer, known as Letheby’s open 60-inch photometer, or Evans’ enclosed 100-inch photometer, together with a proper 35 meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be

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A Sugg's "London" Argand No. 1., with a 6-inch by 1½-inch glass chimney; and if any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used.

North.
Middlesex.

5 The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

2. The apparatus for testing the presence in the gas of sulphuretted hydrogen.—

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved
10 in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
15 testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
20 hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The rate of consumption for the candles shall be 120 grains each per hour. Before and after making
25 each set of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the
30 illuminating power of that testing.

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for three minutes, and if any discolouration of the test paper is found to have taken place
35 this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

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Pembroke.

PEMBROKE DOCKS AND TOWN GAS.

Order empowering the Pembroke Docks and Town Gas Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the borough and county of Pembroke.

- Short title. 1. This Order may be cited as "The Pembroke Docks and Town Gas 5 Order, 1871."
- Incorporation of Acts. 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Gasworks Clauses Act, 1847," are hereby incorporated with this Order, except where the same are 10 expressly varied by this Order; and the said provisions of the last-mentioned Act shall apply as well to the mains, pipes, and works of the County and General Gas Consumers' Company (Limited), or their lessee, acquired or to be acquired by the Undertakers, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or 15 constructed under the authority of this Order.
- Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" 20 or "court of competent jurisdiction" in this Order, or in "The Gasworks Clauses Act, 1847," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:
- 25
- In this Order,—
- The term "premises" shall include house and building:
- The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and
- The term "district" in relation to such lighting authority shall mean the 30 area within the limits of supply as defined by this Order within which such lighting authority has such control as aforesaid.
- Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parliamentary borough of Pembroke, being the district described under the 35 title "Pembroke" in the first schedule to "The Boundary Act, 1868," and all parishes and extra-parochial places within the limits of such district.
- Undertakers.*
- Undertakers. 5. The Pembroke Docks and Town Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to 40 as "the Undertakers."

A.D. 1871.

6. The share capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order, under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament,

Pembroke.
Capital.

5 7. The Undertakers may by agreement purchase, lease, or otherwise acquire a piece of land, shown on the map deposited for the purposes of this Order (in this Order referred to as the "deposited map"), with works for the manufacture and storage of gas thereon, now or late belonging to the County and General Gas Consumers' Company, Limited, and situate at Pembroke Dock,
10 in the parish of St. Mary, Pembroke, in the county of Pembroke, bounded on the north by a road or lane leading from Laws Street, Pembroke Dock aforesaid, to the West Llanion; on the east by a quarry pit and broken land belonging to Charles Thomas Meyrick, Esquire, or his trustees, devisees of the late Thomas Meyrick, Esquire, of Bush, deceased; on the south by land
15 belonging to and in occupation of the Pembroke and Tenby Railway Company; and on the west partly by land now or late in the occupation of William Robertson, Esquire, and partly by other land belonging to the said Charles Thomas Meyrick, Esquire, or his trustees, devisees as aforesaid; all which said piece of land, works, and premises are now in the occupation of the County
20 and General Gas Consumers' Company, Limited, or their lessee, George Wilson Stevenson, his agents and servants, and are known as the Pater Gasworks, together with all plant, apparatus, appliances, and appurtenances belonging thereto, and all pipes, meters, lamp-posts, and other conveniences connected therewith.

Undertakers
may purchase
existing gas-
works.

25 8. The Undertakers may from time to time purchase, by agreement, and hold, for any of the purposes of this Order, any land not exceeding three acres, in addition to the lands shown on the deposited map and described in this Order.

Power to purchase additional
lands.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts,
30 grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers
may acquire
easements, &c.
by agreement.

35 10. The Undertakers may provide and form a renewal fund for the purpose of obtaining a renewal of the leases of the land whereon their works are situate, or for the purpose of purchasing the freehold and reversion of the said land, or for the purpose of defraying the expense of removing their works and acquiring other land if such leases be not renewed, and the said lands shall not
40 be sold to them; and neither the said renewal fund, or the annual proceeds thereof, shall be deemed part of the profits of the Undertakers for the purposes of dividend until the same shall have amounted to such a sum as shall be deemed by the Undertakers to be adequate to the purposes aforesaid, and then the annual proceeds thereof shall alone be deemed part of the divisible
45 profits of the Undertakers.

Providing a
renewal fund.

A.D. 1871.

Pembroke. Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and residual Products.

Undertakers
may maintain
and continue
gasworks on
lands shown on
deposited plan,
and may make
and sell gas, &c.

11. The Undertakers, on the lands shown on the deposited map and in this Order described, may maintain and continue, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for 5 the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained 10 in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Prohibition
against manu-
facturing or
storing gas,
except on lands
shown on de-
posited plans.

12. The Undertakers shall not, except on the lands shown on the deposited map and in this Order described, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on 15 such lands, upon any land within three hundred yards of any dwelling-house existing at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Differences
with railway
and other
companies.

13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, 20 under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 25

Quality of Gas.

As to quality
of gas.

14. From and after the thirty-first day of October one thousand eight hundred and seventy-four, or from and after thirty days next after the day when the Undertakers enter into the possession of the said gasworks situate at Pem- broke Dock aforesaid, discharged from the existing lease thereof, if they shall 30 obtain such possession previous to the thirty-first day of October one thousand eight hundred and seventy-four, the quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce at the testing place provided in conformity with the provisions of this Order a light equal in intensity to the light produced by fourteen sperm candles; and such 35 gas shall, with respect to its purity, be wholly free from sulphuretted hydrogen.

Price of Gas.

Limiting price
of gas.

15. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet. 40

Supply of Gas to Owners and Occupiers of Premises.

16. The Undertakers shall give and continue to give to every owner or occupier of premises within the limits of supply requiring the same a supply of gas for such premises, and they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) Undertakers to furnish supply of gas to owners and occupiers.

The cost of so much of any such pipe for the supply of gas as may be laid upon premises the property of any such owner, or in the possession of any such occupier, and the cost of so much of any such pipe as may be laid for a greater distance than twenty yards from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided, that nothing herein contained shall authorise the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall —
Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence:

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them:

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them:

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers may, if they please, discontinue the supply of gas for such premises, so long as such failure continues.

17. The Undertakers shall supply to any owner or occupier of premises to which gas is supplied by them, and who requires the same, a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security

Undertakers to supply meters.

A.D. 1871. for payment to them of the price of such meter if he desires to purchase the
Pembroke. same, or of the rent of such meter if he desires to hire the same.

Nature and
 amount of
 security.

18. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agree- 5
 ment, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Where any sum of money is deposited, by way of security, under the pro- 10
 visions of this Order, with the Undertakers, they shall pay interest thereon so long as the same remains in their hands at the rate of five pounds per centum per annum.

Undertakers
 may require
 consumers to
 use meters.

19. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, 15
 if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or 20
 approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Repair of
 meters.

20. Every consumer of gas supplied by the Undertakers shall at all times, at 25
 his own expense, keep all meters belonging to him whereby any gas supplied by the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such 30
 taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering 35
 gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of gas
 meters to be
primâ facie
 evidence.

21. The register of the meter shall be *primâ facie* evidence of the quantity 40
 of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also

order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties. A.D. 1871.
Pembroke.

22. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers
5 are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if
10 unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or
15 removal.

Power to remove meter and fittings.

Supply of Gas to Public Lamps.

23. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from time
20 to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

Supply and price of gas to public lamps.

24. The gas supplied to the public lamps shall be consumed by meter at the
25 option of the lighting authority of the district or of the Undertakers; and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

As to consumption of gas supplied to the public lamps.

If the gas be supplied to the public lamps by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered
30 and unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

35 25. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Governors for public lamps.

40 26. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For settlement of differences between the Undertakers and the lighting authority.

A.D. 1871.

Testing of Gas.

Pembroke.
Test meter to
be erected.

27. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein,

1. For testing the illuminating power of the gas supplied; 5

2. For testing the presence in the gas supplied of sulphuretted hydrogen.

The said apparatus shall be in accordance with the regulations prescribed in Part. I. of the Schedule to this Order annexed, and shall be so situated and arranged as to be used for the purpose or testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at 10 all times thereafter keep such testing place and apparatus in good repair and working order.

Appointment
and powers of
gas examiners.

28. The local authority may, after the passing of the Act confirming this Order, appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with 15 the provisions of this Order; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven in the afternoon from the first 20 day of April to the thirtieth day of September, both inclusive.

Representation
of Undertakers.

29. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Mode of
testing.

30. Any tests to be taken in pursuance of this Order shall be taken in 25 accordance with the rules prescribed in Part II. of the schedule to this Order annexed.

Report of gas
examiner.

31. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority 30 and to the Undertakers, and such report shall be receivable in evidence.

Access to test-
ing place.

32. The Undertakers shall give to every gas examiner and to his assistants access to the testing place, and shall afford all facilities for the proper execution of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such 35 default be liable to a penalty not exceeding five pounds.

Penalties.

Penalty for
failure in
supply of gas.

33. Whenever the Undertakers wilfully fail to give a supply of gas to any owner or occupier of premises entitled to require the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty 40 shillings for each day during which such default continues.

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps, they shall be liable to a penalty not exceeding five pounds for each default.

A.D. 1871.
Pembroke.

If on any day the gas supplied by the Undertakers is of less illuminating power or purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

5 Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident.

10 34. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from
15 duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding
20 five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas
25 supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that
such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Penalty for
injuring meters.

Miscellaneous.

30 35. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenants not
liable to pay
arrears of gas
rent, &c.

35 36. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Recovery of
sums due to
Undertakers.

40 37. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in a schedule thereto several names and several sums.

Several names
in one summons
or warrant.

45 38. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of
distress shall
include costs.

Pembroke.
Service of
notices by
Undertakers.

39. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-named place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot, after due inquiry, be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates. 5

Liability of gas
rent not to dis-
qualify justices
from acting.

40. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order. 10

Saving of
existing con-
tracts, &c.

41. Nothing in this Order contained shall alter, vary, or affect any lease, contract, or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the County and General Gas Consumers Company, Limited, or the liquidators thereof, or any other person or persons owning the said gasworks. 15

Saving rights
of corporation
of Pembroke.

42. Nothing in this Order contained shall take away, lessen, interfere with, or prejudicially affect the rights, privileges, or authorities of the mayor, aldermen, and burgesses of the borough of Pembroke.

Costs of Order.

43. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 20

SCHEDULE.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance. 25

The burner to be used for testing the gas shall be

A Sugg's "London" Argand No. 1., with a 6-inch by 1 $\frac{3}{4}$ -inch glass chimney; and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used. 30

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together. 35

2. *The apparatus for testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

A.D. 1871.
Pembroke.

PART II.

Rules as to Mode of testing gas.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
5 testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
10 hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set
15 of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing
20 the illuminating power of that testing.

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for three minutes, and if any discolouration of the test paper is found to have taken place this is
25 to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

SOUTHBANK AND NORMANBY.

*Southbank
and
Normanby.*

*Order empowering the Southbank and Normanby Gaslight and
Coke Company (Limited) to construct, maintain, and continue
Gasworks and to manufacture Gas at Southbank near Middles-
borough, in the north riding of the county of York, and to
supply Gas to the townships of Normanby and Eston in the
parish of Ormesby, the townships of Lackenby, Lazenby, and
Wilton in the parish of Wilton, and other places in the north
riding of the county of York.*

1. This Order may be cited as the "Southbank and Normanby Gas Order,
1871." Short title of Order.

*Southbank
and*

Normanby.
Incorporation
of The Gas
Works Clauses
Act, 1847.

2. The provisions of "The Gasworks Clauses Act, 1847," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words and expressions to which by "The Gasworks Clauses Acts, 1847," and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this Order or in "The Gasworks Clauses Act, 1847," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this Order—

The term "premises" shall include house and building;

The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and

The term "district," in relation to such lighting authority, shall mean the area within the limits of supply as defined by this Order, within which such lighting authority has such control as aforesaid.

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the townships of Normanby and Eston in the parish of Ormesby, the townships of Lackenby, Lazenby, and Wilton in the parish of Wilton, and the extra-parochial land lying between the last-mentioned parishes and the River Tees, all in the north riding of the county of York.

Undertakers.

Undertakers.

5. The Southbank and Normanby Gaslight and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

Power to raise
further capital.

6. The Undertakers may raise, for the purposes of this Order, in addition to the capital already raised by them, any further sums, by the creation and issue of new shares, either ordinary or preference, or partly ordinary or partly preference, at the option of the Undertakers: Provided always, that, together with such additional capital, the whole share capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorized to raise further additional share capital by provisional order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Rates of prefe-
rential divi-
dend.

7. Preferential dividend or interest on any shares which may be issued under this Order shall not exceed the rate of six pounds per centum per annum.

8. Save as by this Order expressly provided, the holders of shares or stock in the additional capital by this Order authorised to be raised shall be entitled to the like rights and privileges and be subject to the like liabilities as the holders of shares or stock in the existing ordinary capital of the Undertakers.

Southbank and Normanby.
Privileges of holders of additional capital.

5 *Construction, Maintenance, and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and residual Products.*

9. The Undertakers may maintain, continue, and from time to time alter and enlarge their existing gasworks, and works connected therewith, situate at Southbank near Middlesborough in the north riding of the county of York, on the lands now held by them, and which are bounded on the north by lands belonging to Ralph Jackson, Esquire, of Normanby, near Middlesborough in the said riding, on the east by the road leading from Southbank to Normanby, and on the south and west by other lands also belonging to the said Ralph Jackson, Esquire, and they may on such lands construct and maintain and from time to time alter and enlarge the additional works herein-after described, for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters reducible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and erect gasworks on lands shown on deposited map, and may make and sell gas, &c.

The works authorised by this Order are—

- (1.) Two gasholders, containing respectively twenty thousand and fifty thousand cubic feet of gas:
- (2.) A retort-house, containing twenty-six retorts, with all proper and convenient machinery and apparatus connected therewith:
- (3.) A dépôt for the sale of coals, coke, and lime:

Provided that nothing in this Order contained shall authorise the Undertakers to supply gas in any part of the township of Eston in which they are not supplying gas at the time of the passing of the Act confirming this Order.

10. The Undertakers shall not, except on the lands now held by them and in the last preceding section of this Order described, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on such lands, upon any land within three hundred yards of any dwelling-house existing at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Prohibition against manufacturing or storing gas, except on land now held by them.

11. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

Differences with railways and other companies.

*Southbank
and*

Normanby.
As to quality of
gas.

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce at the testing place provided in conformity with the provisions of this Order a light equal in intensity to the light produced by fourteen sperm candles; and such gas shall with respect to its 5 purity be wholly free from sulphuretted hydrogen.

Price of Gas.

Limiting price
of gas.

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and fivepence per one thousand cubic feet, with an allowance of at least fivepence per 1,000 cubic feet for discount 10 if paid within one month from date of invoice.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers
to furnish
supply of gas
to owners and
occupiers.

14. The Undertakers shall give and continue to give to every owner or occupier of premises within twenty-five yards of any main of the Undertakers, requiring the same, a supply of gas for such premises, and they shall furnish 15 any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or 20 occupier, and the cost of so much of any such pipe as may be laid for a greater distance than thirty feet from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided that nothing herein contained shall authorize the Undertakers to enter into or upon any premises for the purpose of laying 25 down such pipes unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall,—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the 30 service of such notice) upon which such supply is required to commence;

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent 35 payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them:

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by 40 such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them:

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing require the owner or occupier of

such premises, to whom such supply is given, within seven days after the date of the service of such notice, to give them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they please, discontinue to supply gas for such premises, so long as such failure continues.

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and
Normanby.*

15 16. The Undertakers shall supply to an owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

Undertakers to
supply meters.

15 16. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Nature and
amount of
security.

Where any sum of money is deposited by way of security under the provisions of this Order with the Undertakers, they shall pay interest thereon, so long as the same remains in their hands, at the rate of five pounds per centum per annum.

17. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; Provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers
may require
consumers to
use meters.

18. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him, whereby any gas supplied by the Undertakers is registered, in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers, if the meter be found in proper order, but otherwise at the expense of the consumer.

Repair of
meters.

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and
Normanby.*

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, 5 test, inspect, and replace any such meter at all reasonable times.

Register of
gas meter to
be *prima facie*
evidence.

19. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be deter- 10 mined, upon the application of either party, by two justices, who may also order by which of the parties the cost of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to re-
move meter
and fittings.

20. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Under- 15 takers are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in 20 which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such 25 entry or removal.

Supply of Gas to Public Lamps.

Supply and
price of gas to
public lamps.

21. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from 30 time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

As to consump-
tion of gas sup-
plied to the
public lamps.

22. The gas supplied to the public lamps shall be consumed by meter 35 at the option of the lighting authority or of the Undertakers, and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

If the gas be supplied to the public lamps by average meter indication the Undertakers shall, for securing uniformity of consumption between metered and 40 unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district.

And the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be 45 deemed to be the amount consumed by each such lamp.

23. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be
5 entitled to have access thereto for the purpose of examining the same.

*Southbank
and
Normanby.*
Governors for
public lamps.

24. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas or in relation to any matter connected therewith shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with
10 respect to the settlement of disputes by arbitration.

For settlement
of differences
between the
Undertakers
and the lighting
authority.

Testing of Gas.

25. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein.

Test meter to
be erected.

15 1. For testing the illuminating power of the gas supplied;

2. For testing the presence in the gas supplied of sulphuretted hydrogen :

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule to this Order annexed, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and
20 purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep such testing place and apparatus in good repair and working order.

26. Any local authority within the limits of supply, after the passing of the Act confirming this Order, may from time to time appoint or may appoint and
25 keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Order ; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October
30 to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive.

Appointment
and powers of
gas examiners.

27. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer
35 shall not interfere in the testing.

Representation
of Undertakers.

28. Any tests taken in pursuance of this Order shall be taken in accordance with the rules prescribed in part II. of the schedule to this Order annexed.

Mode of testing.

29. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted
40 make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

Report of gas
examiner.

30. The Undertakers shall give to every gas examiner and to his assistants access to the testing place, and shall afford all facilities for the proper execution

Access to test-
ing place.

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and
Normanby.*

of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

Penalties.

Penalty for
failure in supply
of gas.

31. Whenever the Undertakers wilfully fail to give a supply of gas to any 5 owner or occupier of premises entitled to require the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps they shall be liable to a penalty not 10 exceeding forty shillings for each default.

If on any day the gas supplied by the Undertakers is of less illuminating power or purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: 15

Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident.

Penalty for in-
juring meters.

32. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the 20 Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers 25 a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings, belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering 30 the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention, when such meter is under the custody or control of the consumer, shall be 35 *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Miscellaneous.

Incoming
tenants not
liable to pay
arrears of gas
rents, &c.

33. In case any consumer of gas supplied by the Undertakers leave the 40 premises where such gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. 45

34. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.
35. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in a schedule thereto, several names and several sums.
36. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.
37. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.
38. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order.
39. Nothing in this Order contained shall take away, lessen, prejudice, or interfere with any estates, rights, powers, or privileges for manufacturing and supplying gas now enjoyed or exercised by Messrs. Bolcklow, Vaughan, and Company (Limited) at their works at Eston.
40. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of gas by the Southbank and Normanby Gaslight and Coke Company (Limited).
41. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

*Southbank
and
Normanby.*

Recovery of
sums due to
Undertakers.

Several names
in one summons
or warrant.

Warrant of
distress shall
include costs.

Service of
notices by
Undertakers.

Liability to gas
rent not to dis-
qualify justices
from acting.

Saving rights
of Messrs.
Bolcklow,
Vaughan, and
Co. (Limited.)

Saving of ex-
isting contracts,
&c.

Costs of Order.

SCHEDULE.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch*
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*Southbank
and
Normanby.*

photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be

A Sugg's "London" Argand No. 1, with a 6-inch by 1 $\frac{3}{4}$ -inch glass chimney; and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used. 5

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

2. *The apparatus for testing the presence in the gas of sulphuretted hydrogen.—*

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water. 10

PART II.

Rules as to mode of testing gas.

1st. Mode of testing for illuminating power.

15

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of one minute. 20

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralise the effects of this difference. 25 30

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for three minutes, and if any discolouration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas. 35

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STAINES AND EGHAM GAS.

*Staines and
Egham.*

Order empowering the Staines and Egham District Gas and Coke Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in certain parishes in the counties of Middlesex, Surrey, and Berks.

1. This Order may be cited as "The Staines and Egham Gas Order, 1871." Short title.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), and "The Gasworks Clauses Act, 1847," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the last-mentioned Act shall apply as well to the mains, pipes, and works of the Undertakers, laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Incorporation
of Acts.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this Order, or in "The Gasworks Clauses Act, 1847," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute : Interpretation.

In this Order,—

25 The term "premises" shall include house and building :
The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and
The term "district" in relation to such lighting authority shall mean the area within the limits of supply as defined by this Order within which such lighting authority has such control as aforesaid. Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Staines in the county of Middlesex, the parishes of Egham and Thorpe in the county of Surrey, and the parish of Old Windsor in the county of Berks.

Undertakers.

5. The Staines and Egham District Gas and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to "the Undertakers." Undertakers.

*Staines and
Egham.
Capital.*

6. The share capital of the Undertakers shall not exceed eleven thousand and six hundred pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order, under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Power to purchase additional lands.

7. The Undertakers may from time to time purchase, by agreement, and hold, 5 for any of the purposes of this Order, any land not exceeding two acres, in addition to the lands described in schedule (A.) to this Order annexed and shown on the map deposited for the purposes of this Order (in this Order referred to as the "deposited map").

Undertakers may acquire easements, &c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or 10 release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Act, with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, 15 or privileges as aforesaid.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and residual Products.

Undertakers may maintain and continue gasworks on lands shown on deposited plan, and described in Schedule (A.), and may make and sell gas, &c.

9. The Undertakers, on the lands shown on the deposited map, and described in the Schedule (A.) to this Order annexed, may maintain and continue, and from 20 time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within the limits of supply, and may manufacture 25 coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Prohibition against manufacturing or storing gas, except on lands described in Schedule (A.)

10. The Undertakers shall not, except on the lands described in the Schedule (A.) to this Order annexed, manufacture gas, or any residual products arising in 30 and from the manufacture thereof, nor shall they store gas, except on such lands.

Differences with railway and other companies.

11. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the 35 same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

Quality of Gas.

Quality of gas.

12. The gas supplied by the Undertakers shall with respect to its illuminating 40 power be such as to produce at the testing place provided in conformity with the provisions of this Order, from an argand burner, having fifteen holes and a seven-inch chimney, and consuming 5 cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning 120 grains per hour, and shall, as to its purity, not exhibit any trace of 45 sulphuretted hydrogen when tested in accordance with the rules prescribed in that behalf in the schedule B. to this Order annexed.

Price of Gas.

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Egham.*

Limiting price
of gas.

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, within the district at the time of the passing of the Act confirming this Order supplied by the Undertakers, and elsewhere within the limits of supply such price shall not exceed seven shillings for one thousand cubic feet.

Supply of Gas to Owners or Occupiers of Premises.

Undertakers to
furnish supply
of gas to owners
and occupiers.

14. The Undertakers shall give and continue to give to every owner or occupier of premises within twenty yards of any main of the Undertakers requiring the same, a supply of gas for such premises, and they shall at their own expense furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

Provided, that nothing herein contained shall authorise the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence:

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them:

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers, and in respect of gas to be supplied by them:

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or insufficient; and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers may, if they please, discontinue the supply of gas for such premises, so long as such failure continues.

15. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

*Staines and
Egham.*

Undertakers to
supply meters.

16. The Undertakers shall supply to any owner or occupier of premises to which gas is supplied by them, and who requires the same, a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same. 5

Nature and
amount of
security.

17. Where any owner or occupier is required by this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties. 10

Where any sum of money is deposited, by way of security, under the provisions of this Order, with the Undertakers, they shall pay interest thereon so long as the same remains in their hands at the rate of five pounds per centum per annum. 15

Undertakers
may require
consumers to
use meters.

18. Subject to the provisions of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act. 20 25

Repair of
meters.

19. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas supplied by the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer. 30 35

The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times. 40

Register of
gas meters to
be *primâ facie*
evidence.

20. The register of the meter shall be *primâ facie* evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order 45

by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

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Staines and
Egham.

Power to re-
move meter
and fittings.

21. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers
5 are authorised to take away and cut off the supply of gas from any premises, under the provisions of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if un-occupied then to the owner or lessee, of any premises in which any pipes,
10 meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or
15 removal.

Supply of Gas to Public Lamps.

22. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from time
20 to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

Supply and
price of gas to
public lamps.

23. The gas supplied to the public lamps shall be consumed by meter at the
25 option of the lighting authority of the district or of the Undertakers; and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

As to consump-
tion of gas sup-
plied to the
public lamps.

- If the gas be supplied to the public lamps by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and
30 unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

24. In any case in which gas is supplied to public lamps in any district by the
35 Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Governors for
public lamps.

25. Any difference which may arise between the Undertakers and any lighting
40 authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For settlement
of differences
between the
Undertakers
and the lighting
authority.

*Staines and
Egham.*

Test meter to
be erected.

Testing of Gas.

26. The Undertakers shall, before supplying gas under the authority of this Order, cause to be provided in some part of their works a testing place, with apparatus therein,

1. For testing the illuminating power of the gas supplied ;

5

2. For testing the presence in the gas supplied of sulphuretted hydrogen.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule (B.) to this Order annexed, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep such testing place and apparatus in good repair and working order.

10

Appointment
and powers of
gas examiners.

27. Any local authority within the limits of supply, after the passing of the Act confirming this Order, may from time to time appoint, or may appoint and keep appointed, a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Order; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers on every day between the hours of six o'clock and eight o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and ten o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive; and such gas examiner elsewhere as and when he thinks fit may test the pressure at which such gas is supplied.

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Representation
of Undertakers.

28. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

25

Mode of
testing.

29. Any tests to be taken in pursuance of this Order as to the illuminating power or purity of the gas supplied shall be taken in accordance with the rules prescribed in part II. of the schedule (B.) to this Order annexed.

Report of gas
examiner.

30. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power, purity, or pressure of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

30

Access to test-
ing place.

31. The Undertakers shall give to every gas examiner and to his assistants access to the testing place, and shall afford all reasonable facilities for enabling the gas examiner and his assistants to test the pressure at which the gas is supplied, and they shall generally afford all such facilities as aforesaid for the proper execution of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

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40

Penalties.

Penalty for
failure in supply
of gas.

32. Whenever the Undertakers wilfully fail to give a supply of gas to any owner or occupier of premises entitled to require the same under the provisions of this Order, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

45

Whenever the Undertakers wilfully fail to supply gas as by this Order required to any of the public lamps, they shall be liable to a penalty not exceeding five pounds for each default.

A.D. 1871.
—
*Staines and
Egham.*

If on any day the gas supplied by the Undertakers is of less illuminating power or purity, or is supplied at a pressure less than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power, the excess of impurity, or the want of pressure was occasioned by any unavoidable cause or accident.

33. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Penalty for
injuring meters.

30 *Miscellaneous.*

34. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying to them the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenants not to
pay arrears of
gas rent, &c.

35. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Recovery of
sums due to
undertakers.

36. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in a schedule thereto several names and several sums.

Several names
in one sum-
mons or war-
rant.

37. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the

Warrant of
distress shall
include costs.

- A.D. 1871. recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.
- Staines and Egham.*
- Service of notices by Undertakers. 38. Every notice which the Undertakers are by this Order required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-named place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot, after due inquiry, be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates. 5 10
- Liability of gas rent not to disqualify justices from acting. 39. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any gas rent or other charge under this Order.
- Saving of existing contracts, &c. 40. Nothing in this Order contained shall alter, vary, or affect any lease, contract, or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Staines and Egham District Gas and Coke Company, Limited. 15
- Costs of Order. 41. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 20

SCHEDULE (A.)

All that piece or parcel of land containing by admeasurement 0A 3R. 3P., little more or less, situate at Egham Causeway, in the parish of Egham, in the county of Surrey, bounded on the east in part by land belonging to the Reverend Edgell Wyatt Edgell, and in other part by land belonging to Skidmore Ashby, Esq., on the south by the Great Western turnpike road, on the west by land belonging to the said Edgell Wyatt Edgell, and on the north by the towing-path of the river Thames. 25

SCHEDULE (B.)

30

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance. 35

2. *The apparatus for testing the presence in the gas of sulphuretted hydrogen.*— A.D. 1871.
A glass vessel containing a strip of bibulous paper moistened with a solution of
acetate of lead, containing sixty grains of crystallized acetate of lead dissolved
in one fluid ounce of water. *Staines and Egham.*

5

PART II.

Rules as to Mode of testing gas.

1st. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the
testings begin, and it is to be kept continuously burning from the beginning to
10 the end of the tests.

Each testing shall include ten observations of the photometer made at intervals
of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per
hour.

15 The candles are to be lighted at least ten minutes before beginning each
testing, so as to arrive at their normal rate of burning, which is shown when the
wick is slightly bent and the tip glowing. The rate of consumption for the
candles shall be 120 grains each per hour. Before and after making each set
of ten observations of the photometer the gas examiner shall weigh the candles,
20 and if the combustion shall have been more or less per candle than 120 grains
per hour he shall make and record the calculations requisite to neutralize the
effects of this difference.

The average of each set of ten observations is to be taken as representing
the illuminating power of that testing.

25

2nd. Mode of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of
bibulous paper moistened with the solution of acetate of lead for three minutes,
and if any discolouration of the test paper is found to have taken place this is

STOURBRIDGE EXTENSION.

*Stourbridge
Extension.*

30 *Order empowering the Stourbridge Gas Company to supply Gas in
the parish of Hagley in the county of Worcester.*

1. This Order may be cited as "The Stourbridge Extension Gas Order, 1871." Short title.

2. The provisions of "The Gasworks Clauses Act, 1847," are hereby incor-
porated with this Order, except where the same are expressly varied by this
35 Order. *Incorporation
of Gasworks
Clauses Act,
1847.*

3. The several words and expressions to which by "The Gasworks Clauses
Act, 1847," and by "The Gas and Water Works Facilities Act, 1870,"
meanings are assigned, have in this Order the same respective meanings:

[128.]

P 3

A.D. 1871. Provided always, that the expression "superior court" or "court of competent jurisdiction," in this Order or in "The Gasworks Clauses Act, 1847," shall be used and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Stourbridge Extension.

5

In this Order—

The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply as defined by this Order; and

The term "district" in relation to such lighting authority shall mean the area within the limits of supply as defined by this Order within which such lighting authority has such control as aforesaid.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply,") shall be the parish of Hagley in the county of Worcester.

15

Undertakers.

5. The Stourbridge Gas Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers," and shall have and may, subject to the provisions of this Order, exercise within the limits of supply all and the like powers, privileges, and authorities for the supply and sale of gas, and be subject to all and the like duties, liabilities, and obligations in respect thereof, as they now have and are subject to within the limits of the Stourbridge Gas Act, 1855, and the Stourbridge Gas (Amendment) Act, 1866.

20

Price of Gas.

Price of gas.

6. The maximum price which the Undertakers may demand and take for gas supplied by them to all persons who shall burn the same by meter within the limits of supply shall not exceed the sum of five shillings and sixpence per 1,000 cubic feet, when and so long as the annual consumption of gas by such persons within the limits of supply is not more than 1,000,000 cubic feet; and when and so long as the said annual consumption is more than 1,000,000 cubic feet, but not more than 1,500,000 cubic feet, the said maximum price shall not exceed five shillings per 1,000 cubic feet; and when and so long as the said annual consumption is more than 1,500,000 cubic feet, the said maximum price shall not exceed four shillings and ninepence per 1,000 cubic feet.

30

Supply of Gas to Public Lamps.

35

Supply and price of gas to public lamps.

7. The Undertakers shall supply gas to public lamps within the limits of supply in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, including the cost of the necessary pillars, shall not exceed three pounds five shillings in respect of each public lamp if lighted for nine months in the year, and three pounds fifteen shillings in respect of each such public lamp if lighted for twelve months in the year.

40

*Stourbridge
Extension.*

For settlement
of differences
between the
Undertakers
and the light-
ing authority.

8. Any difference which may arise between the Undertakers and the lighting authority of any district in relation to the supply or consumption of gas to or by the lighting authority, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

9. Nothing in this Order contained shall authorise the Undertakers to manufacture gas, or any residual products arising in the manufacture of gas, on any land within the limits of supply, nor to store gas on any such land within three hundred yards from any dwelling house existing at the time when the Undertakers propose to store gas on such land, without the consent in writing of the owner, lessee, and occupier of such dwelling house.

Restrictions as
to manufacture
and storing of
gas.

10. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

TAUNTON.

Taunton

Order empowering the Taunton Gaslight and Coke Company to raise additional capital.

Short title.

Incorporation
of general Acts.

1. This Order may be cited as "The Taunton Gas Order, 1871."
2. "The Taunton Gas Act, 1845," "The Taunton Gas Act, 1846," and "The Taunton Gas Act, 1855," (in this Order referred to as "The Taunton Gas Acts, 1845, 1846, and 1855,") and the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say),
- The distribution of the capital of the Company into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for nonpayment of calls;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The conversion of borrowed money into capital;
- The consolidation of shares into stock;
- The making of dividends; and
- The giving of notices;

Part I. (Cancellation and Surrender of Shares); so much of Part II. (Additional Capital) as does not relate to preference shares or stock; and Part III. (Debenture Stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," are (except where expressly varied by this Order, or inconsistent with the express provisions thereof,) incorporated

A.D. 1871. with and form part of this Order. For the purposes of such incorporation the term "special Act" in the three last-mentioned Acts shall be construed to mean this Order.
Taunton.

Undertakers. 3. The Taunton Gaslight and Coke Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 5

Power to raise additional capital. 4. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

(1.) Raise, by the creation of new ordinary shares, such further sum or sums as they may think proper, not exceeding in the whole seven thousand 10 pounds, in shares of five pounds each, and

(2.) In addition to any sum which they are for the time being independently of this Order authorised to raise by mortgage, borrow on mortgage any further sum not exceeding in the whole two thousand three hundred and thirty-three pounds, but no part thereof shall be borrowed until the 15 Undertakers have proved to the justice who is to certify, under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole additional capital has been issued and accepted, and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the 20 time of the issue or acceptance thereof, and that such additional capital was issued *bonâ fide*, and is held by subscribers or their assigns, and that [such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Undertakers or of such other evidence as he shall think sufficient 25 he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

New shares not to be issued unless and until one fifth part thereof paid up. 5. The Undertakers shall not issue any such share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in 30 respect thereof.

Calls. 6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 35

Limits of dividend on new capital. 7. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Order than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any 40 part thereof, as may be issued as preference capital.

As to votes of proprietors of each share. 8. The proprietors of any shares to be issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers. 45

9. The mortgagees of the Undertakers may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.
10. All mortgages granted by the Undertakers under the authority of The Taunton Gas Acts, 1845, 1846, and 1855, shall, while subsisting, have priority over all mortgages and debenture stock granted and issued under this Order.
- 10 11. The Undertakers may create and issue debenture stock.
12. The Undertakers may apply the capital hereby authorised to be raised, to an extent not exceeding one thousand two hundred pounds, towards payment for the following additions and improvements to their works recently made or contracted to be made; namely, the providing and erecting of a new purifying house and purifiers, and the providing of additional mains within the limits for the supply of gas by the Undertakers.
- 15 13. All moneys raised under this Order by the Undertakers whether by shares, debenture, stock, or borrowing, shall be applied only for the purposes authorised by "The Taunton Gas Acts 1845, 1846, and 1855," or by this Order.
- 20 14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Taunton.
For appointing a receiver.

Priority of mortgages under existing powers.

Power to create debenture stock.

Application of part of capital to payment for works already completed.

Application of moneys.

Costs of Order.

KNUTSFORD GAS AND WATER.

Knutsford.

- 25 *Order empowering the Knutsford Gas and Water Company, Limited, to maintain and continue Gasworks and Waterworks, to manufacture and supply Gas, and to supply Water within the townships of Nether Knutsford, otherwise Knutsford Inferior, Over Knutsford, otherwise Knutsford Superior, Toft, and Bexton, in the parish of Nether Knutsford, otherwise Knutsford Inferior, in the county of Chester, the townships of Tatton, Mere, and Over Tabley, otherwise Tabley Superior; in the parish of Ros-therne, in the said county of Chester, and the township of Nether Tabley, otherwise Tabley Inferior, in the parish of Great Budworth, in the said county of Chester.*
- 30
- 35

Preliminary.

1. This Order may be cited as "The Knutsford Gas and Water Order, Short title. 1871."

[128.]

Q

Knutsford.
Limits of Order.

2. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the townships of Nether Knutsford, otherwise Knutsford Inferior, Over Knutsford, otherwise Knutsford Superior, Toft, and Bexton, in the parish of Nether Knutsford, otherwise Knutsford Inferior, in the county of Chester, the townships of 5 Tatton, Mere, and Over Tabley, otherwise Tabley Superior, in the parish of Rostherne, in the said county of Chester, and the township of Nether Tabley, otherwise Tabley Inferior, in the parish of Great Budworth, in the said county of Chester.

Undertakers.

10

Undertakers.

3. The Knutsford Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Order to consist of three parts.

4. This Order shall consist of three parts:—

Part I. Relating to the gas undertaking.

15

Part II. Relating to the water undertaking.

Part III. Miscellaneous ; relating to the gas undertaking and to the water undertaking.

PART I.

GAS UNDERTAKING.

20

Incorporation of general Act.

5. The provisions of "The Gasworks Clauses Act, 1847," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Capital.

6. The share capital of the Undertakers for the purposes of the gas undertaking by this Order authorised shall consist of original share capital, amounting 25 to three thousand eight hundred and ten pounds, and of additional capital not exceeding seven thousand one hundred and ninety pounds, and the original and additional capital of the Undertakers shall not exceed eleven thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by provisional order, under "The Gas and Water Works Facilities Act, 1870," 30 or by Act of Parliament.

Limit of dividend upon new capital.

7. The Undertakers shall not in any year make out of their profits arising from the gas undertaking by this Order authorised any larger dividend on the additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital.

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Interpretation.

8. The several words and expressions to which by "The Gasworks Clauses Act, 1847," and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this part of this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction" in this part of this Order, or in "The Gasworks Clauses Act, 1847," 40 shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this part of this Order,—

The term "premises" shall include house and building:

45

The term "lighting authority" shall include any local or road authority having the control of the lighting of any road within the limits of supply; and

A.D. 1871
—
Knutsford.

5 The term "district" in relation to such lighting authority shall mean the area within the limits of supply within which such lighting authority has such control as aforesaid.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

10 9. The Undertakers, on the lands shown on the map deposited for the purposes of this Order, and described in the schedule (A.) to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, 15 subject to the provisions of this part of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in schedule (A.), and may make and sell gas, &c.

20 10. The Undertakers shall not hold for the purposes of this part of this Order more than five acres of land.

Undertakers to hold limited quantity of land only.

25 11. The Undertakers shall not, except on the lands described in the schedule (A.) to this Order annexed, manufacture gas or any residual products arising in and from the manufacture thereof, nor shall they store gas, except on such lands, upon any land within three hundred yards of any dwelling-house existing at the time when the Undertakers propose to store gas thereon, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Prohibition against manufacturing or storing gas, except on lands described in schedule (A.)

Quality of Gas.

30 12. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce, at the testing place provided in conformity with the provisions of this part of this Order, from an Argand burner consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six to the pound; and such gas shall, with respect to its purity, be wholly free from sulphuretted hydrogen.

As to quality of gas.

35 *Price of Gas.*

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed the following rates; (that is to say,) Limiting price of gas.

So long as the amount of gas supplied is less than seven million cubic feet per annum, the sum of six shillings per one thousand cubic feet:

40 When the amount of gas supplied exceeds seven million cubic feet and is less than ten million cubic feet per annum, the sum of five shillings per one thousand cubic feet:

When the amount of gas supplied exceeds ten million cubic feet per annum, the sum of four shillings and sixpence per one thousand cubic feet.

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Q 2

Knutsford.
Undertakers to
furnish suffi-
cient supply of
gas to owners
and occupiers.

Supply of Gas to Owners and Occupiers of Premises.

14. The Undertakers shall give, and continue to give, to every owner or occupier of premises within twenty-five yards of any main of the Undertakers requiring the same, a supply of gas for such premises, and they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; 5
(that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, and the costs of so much of any such pipe as may be laid for a greater 10
distance than thirty feet from any main of the Undertakers, and not upon such premises as aforesaid, shall be defrayed by such owner or occupier: Provided that nothing herein contained shall authorise the Undertakers to enter into or upon any premises for the purpose of laying down such pipes, unless with the consent of the occupier of such premises. 15

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to 20
commence:

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on 25
the outlay incurred by the Undertakers in providing any pipe to be provided by them:

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the 30
Undertakers, and in respect of gas to be supplied by them:

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing require the owner or occupier of such premises to whom such supply is given, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys 35
which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers may, if they please, discontinue the supply of gas for such premises so long as such 40
failure continues.

Pressure of gas.

15. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to mid- 45
night a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Undertakers to
supply meters.

16. The Undertakers shall supply to any owner or occupier of premises to whom gas is supplied by them, and who requires the same, a meter for registering

gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

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Knutsford.

Nature and amount of security.

- 5 17. Where any owner or occupier is required by this part of this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

- 10 Where any sum of money is deposited, by way of security, under the provisions of this part of this Order, with the Undertakers, they shall pay interest thereon, so long as the same remains in their hands, at the rate of five pounds per centum per annum.

- 15 18. Subject to the provisions of this part of this Order with respect to the supply of gas to public lamps, every consumer of gas supplied by the Undertakers shall, if required by the Undertakers, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in sales of gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers; provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules prescribed by the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers may require consumers to use meters.

- 20 19. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas supplied by the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

Repair of meters.

- 30 The Undertakers shall at all times, at their own expense, keep all meters let by them for hire to any consumer in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

- 35 20. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on both parties.

Register of gas meters to be *prima facie* evidence.

Knutsford.
Power to re-
move meter
and fittings.

21. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, under the provisions of this part of this Order, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other officer of the Undertakers, to the occupier, or if unoccupied then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Supply of Gas to Public Lamps.

Supply and
price of gas to
public lamps.

22. The Undertakers shall supply gas to public lamps within fifty yards of any main of the Undertakers, in such quantities as the lighting authority of the district may in writing under the hand of their clerk or other officer from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them, for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits of supply.

As to consump-
tion of gas sup-
plied to the
public lamps.

23. The gas supplied to the public lamps shall be consumed by meter at the option of the lighting authority of the district or of the Undertakers; and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

If the gas be supplied to the public lamps by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps with proper self-acting pressure regulators and burners to the satisfaction of the lighting authority of the district, and the average amount of the indications of all the meters attached to the public lamps in any district shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

Governors for
street lamps.

24. In any case in which gas is supplied to public lamps in any district by the Undertakers, they or the lighting authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or the lighting authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

For settlement
of differences
between the
Undertakers
and the lighting
authority.

25. Any difference which may arise between the Undertakers and any lighting authority in relation to the supply or consumption of gas, or in relation to any matter connected therewith, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Testing of Gas.

Test meter to
be erected.

26. The Undertakers shall, before supplying gas under the authority of this part of this Order, cause to be provided in some part of their works a testing place, with apparatus therein,

1. For testing the illuminating power of the gas supplied;
2. For testing the presence in the gas supplied of sulphuretted hydrogen.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the schedule (B.) to this Order annexed, and shall be so situated and arranged that it may be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep such testing place and apparatus in good repair and working order.

A.D. 1871.
—
Knutsford.

27. Any local authority within the limits of supply after the passing of the Act confirming this Order, may from time to time appoint or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this part of this Order; and every such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive, and such gas examiner, elsewhere as and when he thinks fit, may test the pressure at which such gas is supplied.

Appointment
and powers of
gas examiners.

28. The Undertakers may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Representation
of Undertakers.

29. Any tests to be taken in pursuance of this part of this Order with respect to the illuminating power and purity of gas shall be taken in accordance with the rules prescribed in part II. of the schedule (B.) to this Order annexed.

Mode of testing.

30. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity or pressure of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed and to the Undertakers, and such report shall be receivable in evidence.

Report of gas
examiner.

31. The Undertakers shall give to the gas examiner and to his assistants access to the testing place, and shall afford all reasonable facilities for enabling the gas examiner and his assistants to test the pressure at which the gas is supplied, and they shall generally afford all such facilities as aforesaid for the proper execution of this part of this Order; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

Access to test-
ing place.

Penalties.

32. Whenever the Undertakers wilfully fail to supply gas to any owner or occupier of premises entitled to require the same under the provisions of this part of this Order, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Penalty on
failure in sup-
ply of gas.

Whenever the Undertakers wilfully fail to supply gas as by this part of this Order required to any of the public lamps, they shall be liable to a penalty not exceeding forty shillings for each default.

45 If on any day the gas supplied by the Undertakers is of less illuminating power or purity, or is supplied at a less pressure, than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds.

A.D. 1871. Provided that no penalty shall be incurred in any case with respect to which it is proved that the defect of illuminating power, or the excess of impurity, or the want of pressure, was occasioned by an unavoidable cause or accident.

Knutsford.

Penalty for injuring meters.

33. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, 5 or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding 10 five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such injury, 15 alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. 20

Miscellaneous.

Recovery of sums due to Undertakers.

34. Whenever any person neglects to pay any rent or sum due and payable by him under the provisions of this part of this Order to the Undertakers, the 25 Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Service of notices by Undertakers.

35. Every notice which the Undertakers are by this part of this Order required 30 to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-named place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Undertakers, and cannot, after due inquiry, be found or ascertained, then by being affixed for three days to some conspicuous part of the 35 premises to which such notice relates.

PART II.

WATER UNDERTAKING.

Incorporation of Acts.

36. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order. 40

Capital.

37. The share capital of the Undertakers for the purposes of the water undertaking shall consist of original share capital, amounting to three thousand one hundred and twenty pounds, and of additional capital not exceeding five thousand eight hundred and eighty pounds, and the original and additional share capital 45

of the Undertakers shall not exceed nine thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by provisional order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. A.D. 1871.
Knutsford.

5 38. The Undertakers shall not in any year make out of their profits arising from the water undertaking by this Order authorised any larger dividend on the additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital. Limit of dividend upon new capital.

10 39. The several words and expressions to which by "The Waterworks Clauses Acts, 1847 and 1863," and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this part of this Order the same respective meanings: Provided always, that the expression "superior courts" or "court of competent jurisdiction," in "The Waterworks Clauses Acts, 1847 and 1863," shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: Interpretation.

The term "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this part of this Order.

20 *Maintenance of Waterworks.—Supply and Sale of Water.*

40. The Undertakers may maintain, continue, and use, and may from time to time alter and enlarge, their existing waterworks and works connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply. Power to maintain and continue works.

25 *Quality of Water.*

41. The water supplied by the Undertakers shall be effectually filtered, and shall be as pure as, having regard to the source and nature of supply, circumstances will admit. Quality of water.

Supply.

30 42. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or implied to the contrary, it shall not be incumbent on the Undertakers to supply water to houses within the limits of supply in cases in which the supply cannot be afforded from the pipes laid down by the Undertakers by its own residual pressure or gravitation, nor need the water supplied by the Undertakers be constantly laid on under pressure. Water not necessarily under pressure.

43. The Undertakers shall, at the request of the owner or occupier of any dwelling house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply for such domestic purposes, at rates not exceeding five pounds per centum per annum on the annual rackrent of the premises so supplied with water, if the same be let at rackrent, and five pounds per centum per annum on the annual value, if and while the same is not let at a rackrent: Provided always, that the Undertakers shall not be bound to supply any premises for any less sum than five shillings per annum, nor any bath containing as usually filled for use a greater quantity

A.D. 1871. of water than fifty gallons: Provided also, that in the case of any premises used
Kentsford. in part as retail or wholesale shops or warerooms, the said rates shall be charged
 (if the annual rackrental amounts to more than twenty pounds, and does not ex-
 ceed fifty pounds) on three fourths only of such annual rackrental, and if the
 annual rackrental amounts to more than fifty pounds, upon two thirds of such 5
 annual rackrental.

Rates for waterclosets and baths. 44. In addition to the rates for the supply of water for domestic purposes, the
 Undertakers may demand and receive for every watercloset beyond the first in
 any premises within the limits of supply a yearly sum not exceeding eight
 shillings, and for every bath any yearly sum not exceeding twelve shillings. 10

Regulations for preventing waste of water. 45. Subject to the provisions of this part of this Order, the Undertakers may
 from time to time, for the purpose of preventing any waste, misuser, or undue
 consumption or contamination of water supplied by them, by regulation prescribe
 the fittings to be used within the limits of supply, in which term fittings is
 included the size, nature, strength, materials, mode of arrangement, and repair 15
 of the pipes, valves, cocks, cisterns, waterclosets, and other matters connected
 therewith, and may interdict any fittings which in their judgment may tend to
 any such waste, misuser, undue consumption, or contamination.

The Undertakers shall not be bound to supply any water unless the fittings
 by means of which such water is to be supplied are as prescribed by such 20
 regulations.

Amendment of 10 & 11 Vict. c. 17. s. 44. 46. Section forty-four of "The Waterworks Clauses Act, 1847," shall for
 the purposes of this part of this Order have effect as if the words "with the
 consent in writing of the owner or reputed owner of any such house, or of the
 agent of such owner," were omitted therefrom: Provided always, that any rent 25
 paid by an occupier in pursuance of the provisions of the said sections may be
 deducted by such occupier from any rent from time to time due by him to such
 owner.

Supply of water to tenements in a row. 47. Where there are several tenements in a row, no tenant or occupier of any
 one of the tenements, nor any person on his behalf, shall take or use the water 30
 laid on by the Undertakers to any other such tenement, unless the tenant or
 occupier be in respect of the tenement so occupied by him rated under this part
 of this Order for a supply of water.

Water supplied by agreement. 48. The Undertakers may from time to time supply any person, corporation,
 or company with water for any purposes for which no specific rates are by this 35
 part of this Order limited, for such remuneration, and upon such terms and
 conditions as shall be agreed upon between the Undertakers and the corporation,
 person, or company desirous of having the supply.

Sale of water by measure. 49. The Undertakers may, if they think fit, enter into agreements for the
 supply of water by measure to any consumer: Provided that the price to be 40
 charged by the Undertakers for such supply shall not exceed one shilling and
 sixpence per one thousand gallons.

Undertakers to keep meters let or hire in repair. 50. The Undertakers shall at all times, at their own expense, keep all
 meters or other instruments for measuring water, let by them for hire to any
 consumer, in proper order for correctly registering the supply of water; and 45
 in default of their so doing the consumer shall not be liable to pay rent
 for the same during such time as such default continues. The Undertakers

shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace, any such meter or other instrument at all reasonable times. A.D. 1871.
Knutsford.

51. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties. Register of
water meters,
&c. to be *primâ*
facie evidence.

Penalties.

52. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds. Penalty for
impurity of
water.

Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

53. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention when such meter is under the custody or control of the consumer shall be *primâ facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. Penalty for
injuring meters.

54. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe, who takes or uses the water laid on by the Undertakers to any other such house, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for
mis-user of
water by tenant
of one of several
tenements in a
row.

PART III.

MISCELLANEOUS, RELATING TO BOTH GAS AND WATER UNDERTAKING.

55. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to Differences
with railway
and other
companies.

A.D. 1871. cross, under the authority of this Order, for the purpose of meeting the demands
 ——— for gas or water within the limits of supply, as to the mode of laying down,
Knutsford. repairing, altering, or enlarging their pipes, or the facilities to be afforded for
 the same, the same shall be settled by an engineer to be appointed by the Board
 of Trade at the request of either party. 5

Incoming
 tenants not
 liable to pay
 arrears of gas
 or water rents.

56. In case any consumer of gas or water supplied by the Undertakers leave
 the premises where such gas or water has been supplied to him without paying
 to them the gas rent, water rate, or meter rent due from him, the Undertakers
 shall not be entitled to require from the next tenant of such premises the pay-
 ment of the arrears left unpaid by the former tenant, unless such incoming 10
 tenant has undertaken with the former tenant to pay or exonerate him from the
 payment of such arrears.

Several names
 in one sum-
 mons or war-
 rant.

57. Any summons or warrant issued for any of the purposes of this Order
 may contain, in the body thereof or in a schedule thereto, several names and
 several sums. 15

Warrent of
 distress shall
 include costs.

58. Any justice who issues a warrant of distress in pursuance of the provisions
 of this Order may order that the costs of the proceedings for the recovery of
 the money to be levied shall be paid by the person liable to pay such money;
 and such costs shall be ascertained by the justice, and shall be included in the
 warrant of distress for the recovery of such money. 20

Liability to
 gas rent or
 water rate not
 to disqualify
 justices from
 acting.

59. No justice or judge of any county court or quarter sessions shall be
 disqualified from acting in the execution of this Order by reason of his being
 liable to the payment of any gas rent or water rate or other charge under this
 Order.

Saving of
 existing con-
 tracts, &c.

60. Nothing in this Order contained shall alter, vary, or affect any contract 25
 or agreement duly made or any liability incurred before the passing of the Act
 confirming this Order with respect to the supply of gas or water by the Knuts-
 ford Gas and Water Company, Limited.

Costs of Order.

61. All the costs, charges, and expenses of and incidental to the applying
 for, preparing, obtaining, and confirming this Order, and otherwise in relation 30
 thereto, shall be paid by the Undertakers.

SCHEDULE A.

A plot of land containing by admeasurement 3,238½ square yards or there-
 abouts, and bounded on the south-west by land belonging to Mr. John Ogden, 35
 and on all the other sides by land belonging to the Right Honourable Lord
 Egerton, of Tatton, which said plot of land is situate in the parish of Nether
 Knutsford, other Knutsford Inferior, in the county of Chester, and is now in the
 occupation of the original company.

SCHEDULE B.

A.D. 1871.

Knutsford.

PART I.

Regulations in respect of testing apparatus.

- 5 1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.
2. *The apparatus for testing the presence in the gas of sulphuretted hydrogen.*—
- 10 A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

- 15 1st. *Mode of testing for illuminating power.*

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

- 20 Each testing shall include ten observations of the photometer made at intervals of one minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

- The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

2nd. *Mode of testing for sulphuretted hydrogen.*

- 35 The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for three minutes, and if any discolouration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Gas and Water Provisional Orders Confirmation.

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Aldeburgh Water, Birkdale Gas, Bognor Gas, Bognor Water, Burgess Hill and Saint John's Common Water, Frome Water, Gisborough Water, Hawkhurst Gas, Herne Bay Water, Holywell Water, Knutsford Gas and Water, Northampton Gas, North Middlesex Gas, Pembroke Docks and Town Gas, Portmadoc Water, Southbank and Normanby Gas, Southend Water, Staines and Egham Gas, Stourbridge Gas, and Taunton Gas.

*(Prepared and brought in by
Mr. Arthur Peel and Mr. Chichester Fortescue.)*

*Ordered, by The House of Commons, to be Printed,
5 May 1871.*

[Bill 128.]

Under 17 oz.

2

273

Gasworks Clauses Act (1847) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction of Act.
2. Short title.
3. Repeal of certain parts of Gasworks Clauses Act, 1847, specified in schedule.
4. Application of Act.
5. Interpretation.

Price of Gas.

6. Limiting price of gas.

Supply of Gas to Owners and Occupiers of Premises.

7. Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act.
8. Undertakers may require consumers to use meters.
9. Undertakers to supply meters.
10. Nature and amount of security.
11. Consumer to keep his meter in proper order.
12. Undertakers to keep meter let for hire in repair.
13. Register of gas meters to be *prima facie* evidence.
14. Power to remove meter and fittings.

Supply of Gas to Local Authorities.

15. Supply and price of gas to public lamps.
16. As to consumption of gas supplied to the public lamps.
17. Governors for street lamps.
18. For settlement of differences between the Undertakers and the local authority.

Maps of the Limits of the special Act.

19. Map showing limits of special Act, &c., to be made and kept at office of Undertakers.

[Bill 76.]

A

Testing of Gas.

Clauses.

20. Testing place.
21. Appointment and powers of gas examiners.
22. Representation of Undertakers.
23. Mode of testing.
24. Report of gas examiner.
25. Additional testings may be ordered by Board of Trade in certain cases.
26. Report of inspector to be conclusive evidence.
27. Cost of testing in certain cases.
28. Access to testing place.

Accounts.

29. Accounts, &c.

Sale of Undertaking to the Local Authority or Authorities.

30. Undertakers to sell gasworks and undertaking on request of local authority.

Penalties.

31. Penalty for failure to supply gas.
32. Penalty for injuring meters.

Recovery of Gas Rents.

33. Incoming tenants not liable to pay arrears of gas rents, &c.
34. Recovery of rents, &c.
35. Recovery of sums due to Undertakers.

Legal Proceedings.

36. Contents of summons or warrant.
37. Warrant of distress shall include costs.
38. Summary proceedings for offences, penalties, &c.
39. Service of notices by Undertakers.
40. Liability to gas rent not to disqualify justices from acting.

SCHEDULES.

A

B I L L

TO

Amend the Gasworks Clauses Act, 1847.

A.D. 1871.

WHEREAS it is expedient that the provisions contained in The Gasworks Clauses Act, 1847, should be amended :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. The Gasworks Clauses Act, 1847, so far as the same is not inconsistent with this Act, and this Act shall be construed together as one Act. Construction of Act.

10 2. This Act may be cited as "The Gasworks Clauses Act, 1871," and "The Gasworks Clauses Act, 1847," and this Act may be cited together as "The Gasworks Clauses Acts, 1847 and 1871." Short title.

3. From and after the passing of this Act, there shall be repealed the several sections of the Gasworks Clauses Act, 1847, specified in the schedule to this Act annexed : Provided always, that no repeal hereby enacted shall affect the said sections in any case in which they or any of them are incorporated in any Act of Parliament in force at the time of the passing of this Act, nor any act, contract, matter, or thing duly done or made under or by virtue of any of the sections hereby repealed. Repeal of certain parts of Gasworks Clauses Act, 1847, specified in schedule.

4. The provisions of this Act shall apply to every gas undertaking authorised by any special Act hereafter passed, or by any provisional order made under the authority of the Gas and Water Works Facilities Act, 1870, save where the said provisions are expressly varied or excepted by any such special Act or provisional order, or where the powers and privileges conferred by such special Act or provisional order are not granted to the Undertakers for their own pecuniary benefit ; and every such special Act and provisional order is in this Act included in the term "the special Act." Application of Act.

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Interpreta-
tion.

5. Terms used in this Act have the same meanings respectively as the same terms have when used in the Gasworks Clauses Act, 1847, and in the Gas and Water Facilities Act, 1870.

The term "prescribed" in this Act shall mean prescribed by the special Act:

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The term "premises" in this Act shall include house and building:

And the expression "superior courts" or "court of competent jurisdiction," in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

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Price of Gas.

Limiting
price of gas.

6. The price to be charged by the Undertakers for gas supplied by them to consumers (in this Act referred to as the "maximum price,") shall not during the period of five years next after the passing of the special Act, exceed the price prescribed, nor subsequently such sum per one thousand cubic feet as may from time to time be fixed in the manner by this section directed.

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The Board of Trade shall, during the last three months of the said period of five years, and during the last three months of every succeeding period of five years, proceed to revise the maximum price then fixed, and shall fix as the maximum price to be charged by the Undertakers from and after the expiration of any such period of five years for and during the next succeeding period of five years, such sum as is in their judgment reasonable and just, having regard to the circumstances of the undertaking, to the prescribed illuminating power of the gas supplied, and to the consumption of gas within the limits of the special Act.

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For the purposes of such revision the Board of Trade may appoint a competent person to make inquiry, within the limits of the special Act or otherwise, as to such matters as they think proper and necessary to be inquired into; and of every such intended revision and appointment they shall give due notice to the local authority or authorities, as the case may be, having jurisdiction within the limits of the special Act, to the Undertakers, and to the inhabitants within the limits of the special Act.

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The costs of any such inquiry as aforesaid shall be paid by the Undertakers.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers
to furnish
sufficient
supply of

7. The Undertakers shall give and continue to give to every owner or occupier of premises within the limits of the special Act, requiring the same, a sufficient supply of gas for such premises, and

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they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) A.D. 1871.

gas to owners
and occu-
piers within
the limits of
the special
Act.

5 The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, and the cost of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the Undertakers, and not on such pre-
10 mises as aforesaid, shall be defrayed by such owner or occupier and the Undertakers in such proportions as they may agree on, or, in default of agreement, as may be determined by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

15 Every owner or occupier of premises requiring a supply of gas shall—

20 Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence:

25 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply; and

30 Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers and in respect of gas to be supplied by them.

35 Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time
40 become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid, or is insufficient, and in case any such owner or occupier fails to comply with the terms of such

A.D. 1871. notice, the undertakers may, if they please, discontinue to supply gas for such premises.

Undertakers
may require
consumers to
use meters.

8. Every consumer of gas supplied by the Undertakers shall consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second 5 and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales of Gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers: Provided always, that the Undertakers shall not refuse to approve of any meter which when 10 duly tested according to the rules contained in the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers
to supply
meters.

9. The Undertakers shall supply to any owner or occupier of premises within the limits of the special Act requiring the same a 15 meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same. 20

Nature and
amount of
security.

10. Where any owner or occupier is required by this Act to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order 25 by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Where any sum of money is deposited by way of security under the provisions of this Act with the Undertakers, they shall pay 30 interest thereon so long as the same remains in their hands, at the rate of *five* per centum per annum.

Consumer
to keep his
meter in
proper
order.

11. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Undertakers is registered, in proper 35 order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, 40 and replacing to be done at the expense of the Undertakers if

the meter be found in proper order, but otherwise at the expense of the consumer. A.D. 1871.

12. The Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any consumer, in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times. Undertakers to keep meter let for hire in repair.

13. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined upon the application of either party by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties. Register of gas meters to be *prima facie* evidence.

14. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary of the Undertakers, to the occupier, or if unoccupied, then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal. Power to remove meter and fittings.

Supply of Gas to Local Authorities.

15. The Undertakers shall supply gas to public lamps within the limits of the special Act in such quantities as the local authority of each district within the limits of the special Act, may from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any other consumer or consumers within the limits in which such public lamps shall be situated. Supply and price of gas to public lamps.

A.D. 1871.

As to consumption of gas supplied to the public lamps.

16. The gas supplied to the public lamps within the limits of the special Act shall be consumed by meter, at the option either of the local authority of the district or the Undertakers, and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and he paid for by the party requiring it, but neither party shall be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act: Provided always, that if the gas is supplied to the public lamps in any district by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps in such district with proper burners to the satisfaction of the local authority of such district. 5 10

The average amount of the indications of all the meters attached to the public lamps within such district under the control of the local authority shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp in such district. 15

Governors for street lamps.

17. In case gas is supplied to the public lamps in any district by the Undertakers, they or the local authority of such district may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or such local authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same; and in case any dispute arises between the Undertakers and such local authority with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the inspector appointed by the Board of Trade under the authority of this Act, whose decision shall be final and conclusive. 20 25

For settlement of differences between the Undertakers and the local authority.

18. Any difference which may arise between the Undertakers and any local authority in relation to the supply or consumption of gas to or by such local authority, or in relation to any matter connected therewith, except as to the affixing, operation, or inspection of governors, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. 30 35

Map of the Limits of the Special Act.

Map showing limits of special Act, &c., to be made and kept at office of Undertakers.

19. The Undertakers shall, within *twelve* months after the passing of the special Act, provide a map, to the scale prescribed, showing the limits of the special Act, and shall show upon such map the lines, sizes, and depths beneath the surface of all pipes laid by them, excepting the service pipes to separate houses, and the positions of all valves, syphons, and other ap- 40

pliances, and shall once in every year on or before the thirty-first day of *July* correct such map and make such alterations therein or such additions thereto as may be necessary to show correctly as near as may be the lines, positions, sizes, and depths of the various pipes, and also their appliances, and shall keep such map at the principal office, and the same shall be open to the inspection of the public generally, and such map may be inspected or copies of or extracts from the same may be taken by any persons desiring so to do.

The Undertakers may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

In case the Undertakers make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding *forty shillings* for each day during which such default continues.

Testing of Gas.

20. The Undertakers shall, before supplying gas under the authority of the special Act, cause to be provided, at the place prescribed, a testing place, with apparatus therein, for the purposes following, or such of them as may be prescribed by the special Act; that is to say,—

1. For testing the illuminating power of the gas supplied :

2. For testing the presence in the gas supplied—

- (a) of sulphuretted hydrogen.
- (b) of sulphur other than sulphuretted hydrogen.
- (c) of ammonia.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule B. to this Act annexed, or according to such rules as may from time to time be substituted in lieu thereof by Act of Parliament, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

21. The local authority of any district within the limits of the special Act may after the passing of the special Act appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Act; and such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the

A.D. 1871.

Testing place.

Appointment and powers of gas examiners.

A.D. 1871. — hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirteenth day of September, both inclusive.

Representa-
tion of
Undertakers. **22.** The Undertakers may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing. 5

Mode of
testing. **23.** Any tests taken in pursuance of this Act shall be taken in accordance with the rules prescribed in Part II. of the Schedule (B.) to this Act annexed, or with such rules as may from time to time be substituted in lieu thereof by Act of Parliament.

Report of
gas ex-
aminer. **24.** The gas examiner shall, on the day immediately following 10 that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence. If the Undertakers think themselves aggrieved by any such report, 15 they may, within seven days after the day on which the report of the gas examiner was delivered, appeal to the Board of Trade, who shall direct an inspector to make inquiries into the matter, whose decision shall be final and conclusive; and the inspector shall, after hearing the parties, report every such decision to the Board 20 of Trade, the local authority or local authorities, as the case may be, and the Undertakers; and the expenses of such inquiry shall be paid by the local authority or the Undertakers, according to the decision of the inspector.

Additional
testings
may be
ordered by
Board of
Trade in
certain cases. **25.** In addition to the testing by this Act authorized, the 25 Board of Trade may direct an inspector to make additional testings in case any twenty or more consumers of gas supplied by the Undertakers complain in writing to the Board of Trade that the amount of gas supplied by the Undertakers is not sufficient, or that the illuminating power or the purity of such gas is less than it 30 ought to be according to the provisions of the special Act, and deposit, by way of security for the costs of testing, such sum as the Board of Trade may require.

Report of
inspector to
be conclu-
sive evi-
dence. **26.** The statements in any report of any such inspector as to the insufficiency, illuminating power, and impurity of gas supplied by 35 the Undertakers shall be taken as conclusive evidence of such insufficiency, illuminating power, and impurity on the day when such testing was made.

Cost of test-
ing in
certain cases. **27.** Where such testing is made in pursuance of a complaint made by twenty consumers, as aforesaid, if the inspector reports to 40 the Board of Trade that the gas supplied by the Undertakers was, as to sufficiency in amount, illuminating power, and purity at the time of the making of such testing, in accordance with

A.D. 1871.

the provisions of the special Act, then the expenses of such testing shall be paid by the consumers who made the complaint; but if the inspector reports to the Board of Trade that the gas supplied by the Undertakers was, as to sufficiency in amount, 5 illuminating power, or purity at the time of the making of such testing, not in accordance with the provisions of the special Act, then the expenses of such examination and testing shall be paid by the Undertakers.

28. The Undertakers shall give to any inspector appointed by the 10 Board of Trade, and to his assistants, to the gas examiner and to his assistant, and to every local authority within the limits of the special Act, and their agents, access to the testing place, and shall afford all facilities for the proper execution of this Act; and in case the Undertakers make default in complying with any of the 15 provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

Accounts.

29. The Undertakers shall fill up and forward to the local authority of every district within the limits of the special Act, on or before 20 the day of in each year, an annual statement of accounts, made up to the *thirty-first day of December* then next preceding, as near as may be in the form and containing the particulars specified in the Schedule C. to this Act annexed.

Accounts,
&c.

The Undertakers shall keep copies of such annual statement at 25 their office, and sell the same to any applicant at a price not exceeding one shilling for such copy.

In case the Undertakers make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding *forty shillings* for each day during which such 30 default continues.

Sale of Undertaking to the Local Authority or Authorities.

30. If at any time after the expiration of the prescribed period, or where no period is prescribed, of fifteen years after the passing of the special Act, the local authority where there is only one such, 35 or all the local authorities where there are more than one such having jurisdiction within the limits of the special Act, desire to purchase the lands, gasworks, and undertaking of the Undertakers, and the property connected therewith, and of such desire shall give to the Undertakers twelve calendar months notice in 40 writing, the Undertakers shall sell to them their lands, gasworks, and undertaking, and the property connected therewith, and all

Undertakers
to sell gas-
works and
undertaking
on request of
local autho-
rity.

A.D. 1871. — their right and interest therein, for such sum, and upon such terms and conditions, as may be agreed upon between such local authority or authorities and the Undertakers, and failing such agreement, as may be determined by arbitration in the manner provided by “The Lands Clauses Consolidation Act, 1845,” for settling by arbitration questions of disputed compensation for land : 5

For the purposes of such arbitration the lands, gasworks, and undertaking of the Undertakers, and the property connected therewith, shall be deemed to be included in the term “land” in the said Act; and in such agreement or by such arbitration all necessary provisions shall be made for conveying and transferring to and vesting in the local authority or authorities the estate and interest of the Undertakers in the said lands, gasworks, and undertaking, and the property connected therewith, and the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall apply generally to such sale. 10 15

Penalties.

Penalty for failure to supply gas.

31. Whenever the Undertakers fail to give a sufficient supply of gas to any owner or occupier of premises within the limits of the special Act as by this Act required, they shall be liable to a penalty not exceeding *forty shillings* for each day during which such default continues. 20

Whenever the Undertakers fail to supply gas as by this Act required to all or any of the public lamps within the limits of the special Act, they shall be liable to a penalty not exceeding *forty shillings* for each default. 25

If on any day the gas supplied by the Undertakers is insufficient in amount, or is of less illuminating power or of less purity than it ought to be according to the provisions of the special Act, the Undertakers shall in every such case be liable to a penalty not exceeding *fifty pounds*. 30

Provided that no penalty shall be incurred in any case with respect to which it is certified by the gas examiner or inspector that the insufficiency or the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident. 35

Penalty for injuring meters.

32. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently consumes or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for 40

the protection of the Undertakers or the punishment of the offender) A.D. 1871.
 for every such offence forfeit and pay to the Undertakers a sum
 not exceeding *five pounds*, and the Undertakers may in addition
 thereto recover the amount of any damage by them sustained;
 5 and in any case in which any person has wilfully or fraudulently
 injured or suffered to be injured any meter or fittings belonging
 to the Undertakers, or has fraudulently altered the index to any
 meter, or prevented any meter from duly registering the quantity
 of gas supplied, the Undertakers may also, until the matter com-
 10 plained of has been remedied, but no longer, discontinue the supply
 of gas to the person so offending (notwithstanding any contract
 previously existing); and the existence of artificial means for
 causing such alteration or prevention when such meter is under
 the custody or control of the consumer shall be *prima facie* evidence
 15 that such alteration or prevention, as the case may be, has been
 fraudulently, knowingly, and wilfully caused by the consumer
 using such matter.

Recovery of Gas Rents.

33. In case any consumer of gas supplied by the Undertakers
 20 leave the premises where such gas has been supplied to him
 without paying the gas rent or meter rent due from him, the
 Undertakers shall not be entitled to require from the next tenant of
 such premises the payment of the arrears left unpaid by the former
 tenant, unless such incoming tenant has undertaken with the
 25 former tenant to pay or exonerate him from the payment of such
 arrears.

Incoming
tenants not
liable to pay
arrears of
gas rents,
&c.

34. If any person supplied with gas or with any gas meter or
 fittings by the Undertakers, neglects to pay to the Undertakers
 the rent due for such gas or the rent or money due to the Under-
 30 takers for the hire or fixing of such meter, or any expenses lawfully
 incurred by the Undertakers in cutting off the gas from the premises
 of such person, the Undertakers may recover the sum so due in like
 manner as a penalty under this Act.

Recovery of
rents, &c.

35. Whenever any person neglects to pay any rent or sum due
 35 and payable by him to the Undertakers, the Undertakers may
 recover the same, with full costs of suit, in any court of competent
 jurisdiction, and the remedy of the Undertakers under this enact-
 ment shall be in addition to their other remedies for the recovery of
 such rent or sum.

Recovery of
sums due to
Under-
takers.

A.D. 1871.

*Legal Proceedings.*Contents of
summons
or warrant.

36. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Warrant of
distress shall
include costs.

37. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. .

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Summary
proceedings
for offences,
penalties, &c.

38. All offences and penalties under this Act, and all money forfeited, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by "The Gasworks Clauses Acts, 1847," with respect to the recovery of penalties.

15

Service of
notices by
Under-
takers.

39. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

20

Liability to
gas rent
not to dis-
qualify
justices from
acting.

40. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act

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SCHEDULE A.

Sections of the Gasworks Clauses Act, 1847, repealed by the foregoing Act.

Sections 16, 17, 30–38 both inclusive.

SCHEDULE B.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.*

The burner to be used for testing the gas shall be

- 15 *For fourteen candle gas,—a Sugg's "London" Argand No. 1, with a 6-inch by 1½-inch glass chimney; and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used.*

For sixteen candle gas,—a Sugg's "London" Argand No. 1, with a 6-inch by 2-inch glass chimney; and if at any time the gas flame tails over the top of the glass a 7-inch by 2-inch chimney shall be used.

For Cannel gas,—a Sugg's steatite batswing No. 7 shall be used.

- 20 *The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.*

2. *The apparatus for testing the purity of the gas shall be as follows:*

- 25 (a.) *For testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened at one end with a drop of a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

- 30 (b.) *For testing the presence in the gas of sulphur other than sulphuretted hydrogen.*—The improved form of Letheby's sulphur test apparatus as prescribed by the gas referees appointed under the Metropolitan Gas Acts.

(c.) *For testing the presence in the gas of ammonia.*—A glass cylinder filled with glass beads, and charged with fifty septems of a solution containing three grains and seven tenths of a grain of crystallized oxalic acid dissolved in one hundred septems of water.

- 35 *Besides which there shall be a delicate balance and the needful chemical apparatus for the proper determination of the impurities.*

PART II.

*Rules as to mode of testing gas.**I. Mode of testing for illuminating power.*

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to 5 the end of the tests.

Each testing shall include 20 observations of the photometer made at intervals of half a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per 10 hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of 20 observations of the photometer the gas examiner shall weigh the 15 candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of twenty observations is to be taken as representing the illuminating power of that testing. 20

II. Mode of testing for purity.

(a.) *For sulphuretted hydrogen.*—All the gas that is consumed in testing for illuminating power shall be passed through the glass vessel containing the strip of bibulous paper moistened at one end with the solution of acetate of lead, and if after the testing for illuminating power any 25 discolouration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas. In case of discolouration the strip of test paper so discoloured shall be preserved in a small clean stoppered glass bottle.

(b.) *For sulphur other than sulphuretted hydrogen.*—The gas is to be burnt at 30 the rate of about half a cubic foot an hour from a small steatite Bunsen burner, which is mounted upon a short cylindrical stand perforated with holes for the admission of air, and having on its upper surface a deep circular channel to receive the wide end of a glass trumpet tube. Upon the top of the stand, between the narrow stem of the burner 35 and the surrounding glass trumpet tube, are to be placed fresh pieces of commercial carbonate of ammonia, amounting to about two ounces in weight.

The products of the combustion of the gas and of the gradual volatilization of the ammonia salt go upwards through the trumpet 40 tube into a vertical glass cylinder, packed with balls of glass to break up the current and promote condensation. From the top of the cylinder there proceeds a long glass tube or chimney, serving to

A.D. 1871.

effect further condensation, as well as to regulate the draught and afford an exit for the uncondensable gases. In the bottom of the cylinder is fixed a small glass tube through which the liquid formed during the testing drops into a breaker placed beneath.

When ten cubic feet of gas have been thus consumed the test is to be discontinued; and when the cylinder and trumpet tube are cold they are to be well washed out with distilled water, and the washings mixed with the condensed liquid in the beaker, the washings being so apportioned as to make a total quantity of 20 fluid ounces of liquid.

One half of the liquid is to be preserved for further examination if necessary, and the other half is to be divided into two equal parts, each of which is to be separately evaporated to dryness in a weighed Berlin crucible, and the dry residue weighed. This residue consists of sulphate of ammonia, every grain of which represents 0.242 of a grain of sulphur. In case the product represents an excess of sulphur it is to be redissolved in boiling distilled water, and precipitated with a slight excess of an acid solution of chloride of barium. The precipitate is to be collected in a filter and thoroughly washed with hot distilled water. It is then to be dried, incinerated, and weighed, every grain of the sulphate of barium thus obtained represents 0.137 of a grain of sulphur.

(c.) *For ammonia.*—In this test the gas must be passed through the apparatus containing the solution of oxalic acid before entering the meter, so as to prevent the possibility of any error from the action of the water of the meter on the gas.

The apparatus is to be charged with 50 septems of a freshly made solution of oxalic acid, the solution being made with 3.7 grains of crystallized oxalic acid dissolved in 100 septems of distilled water.

The apparatus is to be connected with the inlet of the meter which is used in testing the gas for sulphur other than sulphuretted hydrogen, and the ten cubic feet of gas consumed in that experiment is to be thus passed through the apparatus containing the beads moistened with the solution of oxalic acid.

At the end of the testing the apparatus and its contents are to be well washed out with distilled water, using eight ounces of distilled water for the purpose. Half of this liquid is to be put aside and kept for further examination if necessary; the other half is to be tested with a few drops of an alcoholic tincture of logwood, and if the liquid acquires and retains a yellow colour it shows that the maximum quantity of ammonia (five grains per cubic feet of gas) has not been reached; but if it acquires and retains a pink colour it shows that the gas contained more than five grains of ammonia per 100 cubic feet.

SCHEDULE C.

Form of Annual Accounts.

The _____ Gas Company.
Year ended 31st December 18 .

A.—STATEMENT OF SHARE CAPITAL,
On the 31st December 18 .

1. Description of Capital.	2. Maximum Dividend authorised.	3. Number of Shares issued.	4. Nominal Amount of Share.	5. Called up per Share.	6. Total paid up.	7. Amount issued but not paid up.	8 Remaining to be issued.	9. Total Amounts authorised.

B.—STATEMENT OF LOAN CAPITAL,
On the 31st December 18 .

1. Description of Loan (Mortgage, Bond, Debenture, Stock, &c.).	2. Rate per Cent. of Interest.	3. Total Amounts borrowed at 31st December 18 .	4. Remaining to be borrowed.	5. Total Amounts authorised.

Total share capital paid up (See A.) - - - - £
Do. loan do. borrowed (See B.) - - - - £
Total capital received - - - - £

C.—CAPITAL ACCOUNT,

For the year ended 31st December 18 . . .

Expenditure to 31st December 18 .	Expended this Year.	Total to 31st December 18 .		Certified Receipts, 31st December 18 .	Received during Year.	Total Receipts to 31st December 18 .
£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December 18 -		£ s. d.	1. By Ordinary shares of £ each -			
<i>Since that date.</i>			2. „ ditto of £ each -			
2. To lands acquired, including law charges			5. „ preference shares of £ each			
3. „ new buildings, manufacturing plant, machines, storage works, and other structures connected with manu- facture -			4. debenture stock -			
4. „ new mains and service pipes (not being in place of old ones), in- cluding laying same, paving, and other works connected with dis- tribution -			5. „ mortgages and bonds -			
5. „ new meters (not in place of old ones), including fixing -			6. „ amount received in anticipation of calls -			
6. „ costs of promoting special Act -						
7. „ special items (if any) -						
Total expenditure	-	-				
To balance of capital account	-	-	Total	-	-	-
	£					

D.—REVENUE ACCOUNT,
For the year ended 31st December 18

		£	s.	d.	£	s.	d.	£	s.	d.
To MANUFACTURE OF GAS.										
1.	Coals, including dues, carriage, unloading, and all expenses of depositing same on works	-	-	-						
2.	Purifying materials, oil, water, and sundries at works	-	-	-						
3.	Salaries of engineers, including chief engineer (if any), superintendents, and officers at works	-	-	-						
4.	Wages and gratuities at works	-	-	-						
5.	Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour	-	-	-						
	Less old material sold	-	-	-						
To DISTRIBUTION OF GAS.										
6.	Salaries of surveyor, chief inspector, inspectors, assistant inspectors, and clerks in light office	-	-	-						
7.	Repair, maintenance, and renewal of mains, and of service pipes, including materials, laying and paving, and labour	-	-	-						
8.	Repairing, renewing, and refixing meters	-	-	-						
To PUBLIC LAMPS.										
9.	Lighting and repairing	-	-	-						
To RENTS, RATES, AND TAXES.										
10.	Rents	-	-	-						
11.	Rates and taxes	-	-	-						
To MANAGEMENT.										
12.	Directors' allowances	-	-	-						
13.	Salaries of secretary, accountant, and clerks, office keepers, and messengers	-	-	-						
14.	Collectors' commission or salaries	-	-	-						
15.	Stationery and printing	-	-	-						
16.	General establishment charges and incidentals	-	-	-						
17.	Auditor	-	-	-						
To LAW AND PARLIAMENTARY CHARGES.										
18.	Law	-	-	-						
19.	Parliamentary (oppositions)	-	-	-						
20.	To depreciation fund for works on leasehold lands (if any)	-	-	-						
21.	To bad debts	-	-	-						
	To other items (if any)	-	-	-						
	Total expenditure	-	-	-						
	Balance carried to profit and loss account B.	-	-	-						
By SALE OF GAS.										
1.	Common gas (1,000 cubic feet)	-	-	-						
2.	Cannel gas (1,000 cubic feet)	-	-	-						
3.	Public lighting and under contracts	-	-	-						
4.	Rental of meters	-	-	-						
By RESIDUAL PRODUCTS.										
5.	Coke, less labour and cartage	-	-	-						
6.	Breeze	-	-	-						
7.	Tar	-	-	-						
8.	Ammoniacal liquor	-	-	-						
9.	By rents	-	-	-						
10.	By transfer fees	-	-	-						
	By other item (if any)	-	-	-						
	Total receipts	-	-	-						

E.—PROFIT AND LOSS ACCOUNT (NET REVENUE),

For the year ended 31st December 18

Dr.

Cr.

	£	s.	d.		£	s.	d.
1. To amount carried to reserved fund account E. (if any) from profits of 18				1. By balance of net profit brought from last account (31st December 18)			
2. " Interest on temporary loans, and moneys received in anticipation of calls				2. " Amount drawn from reserved fund (if any)			
3. " Ditto on mortgages and bonds accrued to 31st December 18				Less dividend paid for the half year ended 31st December 18			
4. " Ditto on debenture stock to ditto				3. Balance brought from revenue account D., being profit for year to December 18			
5. " Half-year's dividend on 1st preferential to 30th June 18				4. Interest on moneys deposited			
6. " Ditto, 2nd preferential to ditto							
7. " Ditto on ordinary shares at per cent.							
" Balance of net profit to be carried to next account subject to half-year's dividends to 31st December 18							£

[76.]

C 3

F.—RESERVED FUND ACCOUNT,

For the year ended 31st December 18

	£	s.	d.		£	s.	d.
1. Amount (if any) carried to profit and loss account (E.) to make up deficiencies of dividends to 31st December 18				1. By balance brought from last account			
2. Amount paid for extraordinary claim or demand (if any)				2. By balance brought from profit and loss account (E.)			
3. Amount of balance to be carried to next account				3. By interest on amount invested			
							£

Like accounts must be given for depreciation fund for works on leaseholds, if any.

G.—STATEMENT OF COALS,

During the year ended 31st December 18 .

Description of Coal.	In Store, 31st December 18 .	Received during Year.	Carbonized or used during Year.	In Store, 31st December 18 .
	Tons.	Tons.	Tons.	Tons.
Common - - - - -	-			
Cannel - - - - -	-			

H.—STATEMENT OF RESIDUAL PRODUCTS,

For the year ended 31st December 18 .

Description of Residual.	In Store, 31st December 18 . Estimated.	Made during Year. Estimated.	Used in Manufacture during Year. Estimated.	Sold during Year.	In Store, 31st December 18 . Estimated.
Coke—common, chaldrons of 36 bushels	-				
cannel " "	-				
Breeze " "	-				
Tar, gallons - - - - -	-				
Ammoniacal liquor, butts of 108 gallons	-				

Gasworks Clauses Act (1847) Amendment.

A

B I L L

To amend the Gasworks Clauses Act,
1847.

(Prepared and brought in by
Mr. Chichester Fortescue and Mr. Arthur Peel.)

*Ordered, by The House of Commons, to be Printed,
16 March 1871.*

[Bill 76.]

Under 3 oz.

323

Gasworks Clauses Act (1847) Amendment Bill (No. 2).

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction of Act.
2. Short title.
3. Application of Act.
4. Interpretation.

Supply of Gas to Owners and Occupiers of Premises.

5. Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act.
6. Undertakers may require consumers to use meters.
7. Undertakers to supply meters.
8. Nature and amount of security.
9. Consumer to keep his meter in proper order.
10. Undertakers to keep meter let for hire in repair.
11. Register of gas meters to be *prima facie* evidence.
12. Power to remove meter and fittings.

Supply of Gas to Local Authorities.

13. Supply and price of gas to public lamps.
14. As to consumption of gas supplied to the public lamps.
15. Governors for street lamps.
16. For settlement of differences between the Undertakers and the local authority.

Map of the Limits of the special Act.

17. Map showing limits of special Act, &c., to be made and kept at office of Undertakers.

Testing of Gas.

18. Testing place.
 19. Appointment and powers of gas examiners.
- [Bill 113.] A

Clauses.

20. Representation of Undertakers.
21. Mode of testing.
22. Report of gas examiner.
23. Additional testings may be ordered by Board of Trade in certain cases.
24. Report of inspector to be conclusive evidence.
25. Cost of testing in certain cases.
26. Access to testing place.

Accounts.

27. Accounts, &c.

Penalties.

28. Penalty for failure to supply gas.
29. Penalty for injuring meters.

Recovery of Gas Rents.

30. Incoming tenants not liable to pay arrears of gas rents, &c.
31. Recovery of rents, &c.
32. Recovery of sums due to Undertakers.

Legal Proceedings.

33. Contents of summons or warrant.
34. Warrant of distress shall include costs.
35. Summary proceedings for offences, penalties, &c.
36. Service of notices by Undertakers.
37. Liability to gas rent not to disqualify justices from acting.

SCHEDULES.

A

B I L L

TO

Amend the Gasworks Clauses Act, 1847. A.D. 1871.

WHEREAS it is expedient that the provisions contained in The Gasworks Clauses Act, 1847, should be amended :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. The Gasworks Clauses Act, 1847, so far as the same is not inconsistent with this Act, and this Act shall be construed together as one Act. Construction of Act.

10 2. This Act may be cited as "The Gasworks Clauses Act, 1871," and "The Gasworks Clauses Act, 1847," and this Act may be cited together as "The Gasworks Clauses Acts, 1847 and 1871." Short title.

15 3. The provisions of this Act shall apply to every gas undertaking authorised by any special Act hereafter passed, or by any provisional order made under the authority of the Gas and Water Works Facilities Act, 1870, save where the said provisions are expressly varied or excepted by any such special Act or provisional order; and every such special Act and provisional order is in this Act included in the term "the special Act." Application of Act.

20 4. Terms used in this Act have the same meanings respectively as the same terms have when used in the Gasworks Clauses Act, 1847, and in the Gas and Water Facilities Act, 1870. Interpretation.

The term "prescribed" in this Act shall mean prescribed by the special Act :

25 The term "premises" in this Act shall include house and building :

And the expression "superior courts" or "court of competent jurisdiction," in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or

A.D.1871. demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers
to furnish
sufficient
supply of
gas to owners
and occu-
piers within
the limits of
the special
Act.

5. The Undertakers shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards 5 of any main of the Undertakers, or such other distance as may be prescribed, give and continue to give a supply of gas for such premises, under such pressure as may be prescribed, and they shall furnish any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) 10

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon premises the property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier, and the cost of so much of any such pipe as may be laid for a greater distance than thirty 15 feet from any pipe of the Undertakers, and not on such premises as aforesaid, shall be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying 20 the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence :

Enter into a written contract with the Undertakers (if 25 required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any 30 pipe to be provided by them for the purpose of such supply ; and

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in 35 respect of any pipe to be furnished by the Undertakers and in respect of gas to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises, within seven days 40 after the date of the service of such notice, to give to them security

for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid, or is insufficient, and in case
 5 any such owner or occupier fails to comply with the terms of such notice, the undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues.

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6. Every consumer of gas supplied by the Undertakers shall, if required to do so by them, consume such gas by a meter duly
 10 stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales of Gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the
 15 Undertakers: Provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules contained in the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers may require consumers to use meters.

20 7. The Undertakers shall supply to any owner or occupier of premises within the limits of the special Act requiring the same a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the
 25 price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

Undertakers to supply meters.

8. Where any owner or occupier is required by this Act to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers
 30 agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Nature and amount of security.

35 Where any sum of money is deposited by way of security under the provisions of this Act with the Undertakers, they shall pay interest thereon so long as the same remains in their hands, at the rate of *five* per centum per annum.

9. Every consumer of gas supplied by the Undertakers shall
 40 at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Undertakers is registered, in proper order for correctly registering such gas, and in default of his so

Consumer to keep his meter in proper order.

A.D. 1871. doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if 5 the meter be found in proper order, but otherwise at the expense of the consumer.

Undertakers
to keep
meter let
for hire in
repair.

10. The Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any consumer, in proper order for correctly registering gas; and in default of their so 10 doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times. 15

Register of
gas meters
to be *prima*
facie evi-
dence.

11. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined upon the 20 application of either party by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to
remove
meter and
fittings.

12. In all cases in which a consumer of gas supplied by the 25 Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other properly 30 authorised officer of the Undertakers, to the occupier, or if unoccupied, then to the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the 35 hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Supply of Gas to Local Authorities.

Supply and
price of gas
to public
lamps.

13. The Undertakers shall supply gas to any public lamps within 40 the distance of fifty yards of any of the mains of the Undertakers

A.D. 1871.

in such quantities as the local authority of each district within the limits of the special Act, may from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them for all gas so supplied to or for any such public lamp, shall not exceed the lowest price for the time being charged by the Undertakers to any private consumer or consumers within the limits in which such public lamps shall be situated.

14. The gas supplied to the public lamps within the limits of the special Act shall be consumed by meter, at the option either of the local authority of the district or the Undertakers, and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it.

As to consumption of gas supplied to the public lamps.

If the gas is supplied to the public lamps in any district by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps in such district with proper self-acting pressure regulators and burners to the satisfaction of the local authority of such district; and the average amount of the indications of all the meters attached to the public lamps within such district under the control of the local authority shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp in such district.

15. In case gas is supplied to the public lamps in any district by the Undertakers, they or the local authority of such district may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or such local authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Governors for street lamps.

16. Any difference which may arise between the Undertakers and any local authority in relation to the supply or consumption of gas to or by such local authority, or in relation to any matter connected therewith, except as to the affixing, operation, or inspection of governors, shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For settlement of differences between the Undertakers and the local authority.

Map of the Limits of the Special Act.

17. The Undertakers shall, within twelve months after the passing of the special Act, provide a map, to the scale prescribed, showing the limits of the special Act, and shall show

Map showing limits of special Act, &c., to be

A.D. 1871.
—
made and
kept at office
of Under-
takers.

upon such map the lines, sizes, and depths beneath the surface of all pipes laid by them, excepting the service pipes to separate houses, and the positions of all valves, syphons, and other appliances, and shall once in every year on or before the thirty-first day of *July* correct such map and make such alterations therein or such additions thereto as may be necessary to show correctly as near as may be the lines, positions, sizes, and depths of the various pipes, and also their appliances, and shall keep such map at the principal office, and the same shall be open to the inspection of the public generally, and such map may be inspected or copies of or extracts from the same may be taken by any persons desiring so to do. 5 10

The Undertakers may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

In case the Undertakers make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding *forty shillings* for each day during which such default continues. 15

Testing of Gas.

Testing
place.

18. The Undertakers shall, before supplying gas under the authority of the special Act, cause to be provided, at the place prescribed, a testing place, with apparatus therein, for the purposes following, or such of them as may be prescribed by the special Act; that is to say,— 20

1. For testing the illuminating power of the gas supplied : 25
2. For testing the presence in the gas supplied—
 - (a) of sulphuretted hydrogen.
 - (b) of sulphur other than sulphuretted hydrogen.
 - (c) of ammonia.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule A. to this Act annexed, or according to such rules as may from time to time be substituted in lieu thereof by any special Act, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order. 30 35

Appoint-
ment and
powers of
gas exa-
miners.

19. The local authority of any district within the limits of the special Act may after the passing of the special Act from time to time appoint, or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Act; and 40

A.D. 1871.

such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive.

20. The Undertakers may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Representa-
tion of
Undertakers.

21. Any tests taken in pursuance of this Act shall be taken in accordance with the rules prescribed in Part II. of the Schedule (A.) to this Act annexed, or with such rules as may from time to time be substituted in lieu thereof by Act of Parliament.

Mode of
testing.

22. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

Report of
gas ex-
aminer.

23. In addition to the testing by this Act authorized, the Board of Trade may direct an inspector to make additional testings in case any twenty or more consumers of gas supplied by the Undertakers complain in writing to the Board of Trade that the gas supplied by the Undertakers is not of the illuminating power or purity, or that the pressure at which the same is supplied by the Undertakers is less than it ought to be according to the provisions of the special Act, and deposit, by way of security for the costs of testing, such sum as the Board of Trade may require.

Additional
testings
may be
ordered by
Board of
Trade in
certain cases.

24. The statements in any report of any such inspector as to the illuminating power, impurity, and pressure of gas supplied by the Undertakers shall be receivable in evidence of such illuminating power, impurity, and pressure on the day when such testing was made.

Report of
inspector to
be conclu-
sive evi-
dence.

25. Where such testing is made in pursuance of a complaint made by twenty consumers, as aforesaid, if the inspector reports to the Board of Trade that the gas supplied by the Undertakers was, as to sufficiency in illuminating power, purity, and pressure at the time of the making of such testing, in accordance with the provisions of the special Act, then the expenses of such testing shall be paid by the consumers who made the complaint; but if the inspector reports to the Board of Trade that the gas

Cost of test-
ing in
certain cases.

A.D. 1871. supplied by the Undertakers was, as to sufficiency in illuminating power, purity, and pressure at the time of the making of such testing, not in accordance with the provisions of the special Act, then the expenses of such examination and testing shall be paid by the Undertakers.

5

Access to testing place.

26. The Undertakers shall give to any inspector appointed by the Board of Trade, and to his assistants, to the gas examiner and to his assistant, and to every local authority within the limits of the special Act, and their agents, access to the testing place, and shall afford all facilities for the proper execution of this Act; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds.

10

Accounts.

Accounts, &c.

27. The Undertakers shall fill up and forward to the local authority of every district within the limits of the special Act, on or before the twenty-fifth day of March in each year, an annual statement of accounts, made up to the *thirty-first day of December* then next preceding, as near as may be in the form and containing the particulars specified in the Schedule C. to this Act annexed.

15

20

The Undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling for such copy.

In case the Undertakers make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding *forty shillings* for each day during which such default continues.

25

Penalties.

Penalty for failure to supply gas.

28. Whenever the Undertakers fail to give a supply of gas to any owner or occupier of premises within the limits of the special Act, under such pressure as is prescribed, they shall be liable to a penalty not exceeding *forty shillings* for each day during which such default continues.

30

Whenever the Undertakers fail to supply gas as by this Act required to all or any of the public lamps within the limits of the special Act, they shall be liable to a penalty not exceeding *forty shillings* for each default.

35

If on any day the gas supplied by the Undertakers is insufficient in amount, or is of less illuminating power or of less purity than it ought to be according to the provisions of the special 40

Act, the Undertakers shall in every such case be liable to a penalty not exceeding *fifty pounds*. A.D. 1871.

Provided that no penalty shall be incurred in any case with respect to which it is certified by the gas examiner or inspector that the insufficiency or the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident.

29. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Undertakers, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding *five pounds*, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such matter.

Penalty for
injuring
meters.

Recovery of Gas Rents.

30. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenants not
liable to pay
arrears of
gas rents,
&c.

31. If any person supplied with gas or with any gas meter or fittings by the Undertakers, neglects to pay to the Undertakers

Recovery of
rents, &c.

A.D. 1871. the rent due for such gas or the rent or money due to the Undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the Undertakers in cutting off the gas from the premises of such person, the Undertakers may recover the sum so due in like manner as a penalty under this Act.

5

Recovery of sums due to Undertakers.

32. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

10

Legal Proceedings.

Contents of summons or warrant.

33. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

15

Warrant of distress shall include costs.

34. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

20

Summary proceedings for offences, penalties, &c.

35. All offences and penalties under this Act, and all money forfeited, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by "The Gasworks Clauses Acts, 1847," with respect to the recovery of penalties.

25

Service of notices by Undertakers.

36. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

30

Liability to gas rent not to disqualify justices from acting.

37. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act

35

SCHEDULE A.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of
5 the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.
The burner to be used for testing the gas shall be such as shall be prescribed.
The candles used for testing the gas shall be sperm candles of six to the
10 pound, and two candles shall be used together.
2. *The apparatus for testing the purity of the gas shall be as follows :*
 - (a.) *For testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel
containing a strip of bibulous paper moistened with a solution of acetate
of lead, containing sixty grains of crystallized acetate of lead dissolved
15 in one fluid ounce of water.
 - (b.) *For testing the presence in the gas of sulphur other than sulphuretted hydrogen.*—The sulphur test devised by the Gas Referees appointed
under the Metropolitan Gas Acts.
 - (c.) *For testing the presence in the gas of ammonia.*—A glass cylinder filled
20 with glass beads, and charged with fifty septems of a solution of sulphuric or oxalic acid.

Besides which there shall be a delicate balance and the needful chemical apparatus for the proper determination of the impurities.

PART II.

25 *Rules as to mode of testing gas.*

I. Mode of testing for illuminating power.

- The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.
- 30 Each testing shall include ten observations of the photometer made at intervals of half a minute.
- The consumption of the gas is to be carefully adjusted to five cubic feet per hour.
- The candles are to be lighted at least ten minutes before beginning each
35 testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the

A.D. 1871. candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing. 5

II. *Mode of testing for purity.*

(a.) *For sulphuretted hydrogen.*—The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed; and if any discolouration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas. 10

(b.) *For sulphur other than sulphuretted hydrogen.*—The gas is to be burnt at the rate of about half a cubic foot an hour from a small Bunsen burner with steatite top, which is mounted upon a short cylindrical stand perforated with holes for the admission of air, and having on its upper surface a deep circular channel to receive the wide end of a glass trumpet tube. Upon the top of the stand, between the narrow stem of the burner and the surrounding glass trumpet tube, are to be placed fresh pieces of commercial carbonate of ammonia, amounting to about two ounces in weight. 15 20

The products of the combustion of the gas and of the gradual volatilization of the ammonia salt go upwards through the trumpet tube into a vertical glass cylinder, packed with balls of glass to break up the current and promote condensation. From the top of the cylinder there proceeds a long glass tube or chimney, serving to effect further condensation, as well as to regulate the draught and afford an exit for the uncondensable gases. In the bottom of the cylinder is fixed a small glass tube through which the liquid formed during the testing drops into a breaker placed beneath. 25 30

When ten cubic feet of gas have been thus consumed the test is to be discontinued; and when the cylinder and trumpet tube are cold they are to be well washed out with distilled water, and the washings mixed with the condensed liquid in the beaker, the washings being so apportioned as to make a total quantity of 20 fluid ounces of liquid. 35

One half of the liquid is to be preserved for further examination if necessary, and the other half is to be divided into two equal parts, each of which is to be separately evaporated to dryness in a weighed Berlin crucible, and the dry residue weighed. This residue consists of sulphate of ammonia, every grain of which represents 0.242 of a grain of sulphur. In case the product represents an excess of sulphur it is to be redissolved in boiling distilled water, and precipitated with a slight excess of an acid solution of chloride of barium. The precipitate is to be collected in a filter and thoroughly washed with hot distilled water. It is then to be dried, incinerated, and weighed, 40 45

every grain of the sulphate of barium thus obtained represents 0·137 A.D. 1871.
of a grain of sulphur.

- (c.) *For ammonia.*—The apparatus is to be charged with 50 septems* of a freshly-made solution of sulphuric or oxalic acid, the solution being made of such strength that 100 septems* neutralise 1 grain of ammonia (NH₃).

* If the French metrical system be used, these quantities should be respectively 25cc. and 50cc.

The gas must be passed through the apparatus before entering the meter. Ten feet of gas are to be passed through the apparatus during each testing.

At the end of the testing the apparatus and its contents are to be well washed out with distilled water, using eight ounces of distilled water for the purpose. Half of this liquid is to be put aside and kept for further examination if necessary; the other half is to be tested with a few drops of an alcoholic tincture of logwood, and if the liquid acquires and retains a yellow colour it shows that the maximum quantity of ammonia (five grains per cubic feet of gas) has not been reached; but if it acquires and retains a pink colour it shows that the gas contained more than five grains of ammonia per 100 cubic feet.

SCHEDULE B.

Form of Annual Accounts.

The Gas Company.
Year ended 31st December 18 .

A.—STATEMENT OF SHARE CAPITAL,
On the 31st December 18 .

1. Description of Capital.	2. Maximum Dividend authorised.	3. Number of Shares issued.	4. Nominal Amount of Share.	5. Called up per Share.	6. Total paid up.	7. Amount issued but not paid up.	8 Remaining to be issued.	9. . Total Amounts authorised.

B.—STATEMENT OF LOAN CAPITAL,
On the 31st December 18 .

1. Description of Loan (Mortgage, Bond, Debenture, Stock, &c.).	2. Rate per Cent. of Interest.	3. Total Amounts borrowed at 31st December 18 .	4. Remaining to be borrowed.	5. Total Amounts authorised.

Total share capital paid up (See A.) - £
Do. loan do. borrowed (See B.) - £
Total capital received - £

C.—CAPITAL ACCOUNT,
For the year ended 31st December 18 . .

Expenditure to 31st December 18 .	Expenditure this Year.	Total to 31st December 18 .		Certified Receipts, 31st December 18 .	Received during Year.	Total Receipts to 31st December 18 .
£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December 18 -		£ s. d.	1. By ordinary shares of £ each -		£ s. d.	£ s. d.
<i>Since that date.</i>			2. „ ditto of £ each -			
2. To lands acquired, including law charges			5. „ preference shares of £ each			
3. „ new buildings, manufacturing plant, machines, storage works, and other structures connected with manu- facture -			4. debenture stock -			
4. „ new mains and service pipes (not being in place of old ones), in- cluding laying same, paving, and other works connected with dis- tribution -			5. „ mortgages and bonds -			
5. „ new meters (not in place of old ones), including fixing -			6. „ amount received in anticipation of calls -			
6. „ costs of promoting special Act -						
7. „ special items (if any) -						
Total expenditure	-					
To balance of capital account	-		Total	-	-	-
	-					

E.—PROFIT AND LOSS ACCOUNT (NET REVENUE),

For the year ended 31st December 18 .

Dr.

Cr.

£	s.	d.	£	s.	d.
1. To amount carried to reserved fund account F. (if any) from profits of 18	-	-	1. By balance of net profit brought from last account (31st December 18)	-	-
2. " Interest on temporary loans, and moneys received in anticipation of calls	-	-	2. " Amount drawn from reserved fund (if any)	-	-
3. " Ditto on mortgages and bonds accrued to 31st December 18	-	-	Less dividend paid for the half year ended 31st December 18.	-	-
4. " Ditto on debenture stock to ditto	-	-	3. Balance brought from revenue account D., being profit for year to December 18	-	-
5. " Half-year's dividend on 1st preferential to 30th June 18	-	-	4. Interest on moneys deposited	-	-
6. " Ditto, 2nd preferential to ditto	-	-			
7. " Ditto on ordinary shares at per cent.	-	-			
" Balance of net profit to be carried to next account subject to half-year's dividends to 31st December 18	-	-			
		£			£

[113.]

D

F.—RESERVED FUND ACCOUNT,

For the year ended 31st December 18 .

£	s.	d.	£	s.	d.
1. Amount (if any) carried to profit and loss account (E.) to make up deficiencies of dividends to 31st December 18	-	-	1. By balance brought from last account	-	-
2. Amount paid for extraordinary claim or demand (if any)	-	-	2. By balance brought from profit and loss account (E.)	-	-
3. Amount of balance to be carried to next account	-	-	3. By interest on amount invested	-	-
		£			£

Like accounts must be given for depreciation fund for works on leaseholds, if any.

G.—STATEMENT OF COALS,

During the year ended 31st December 18 . .

Description of Coal.	In Store, 31st December 18 .	Received during Year.	Carbonized or used during Year.	In Store, 31st December 18 .
	Tons.	Tons.	Tons.	Tons.
Common - - - - -	-	-	-	-
Cannel - - - - -	-	-	-	-

H.—STATEMENT OF RESIDUAL PRODUCTS,

For the year ended 31st December 18 . .

Description of Residual.	In Store, 31st December 18 . Estimated.	Made during Year. Estimated.	Used in Manufacture during Year. Estimated.	Sold during Year.	In Store, 31st December 18 . Estimated.
Coke—common, chaldrons of 36 bushels	-	-	-	-	-
“cannel	-	-	-	-	-
Breeze	-	-	-	-	-
Tar, gallons - - - - -	-	-	-	-	-
Ammoniacal liquor, butts of 108 gallons	-	-	-	-	-

**Gasworks Clauses Act
(1847) Amendment
(No. 2).**

A

B I L L

To amend the Gasworks Clauses Act,
1847.

*(Prepared and brought in by
Mr. Arthur Peel and Mr. Chichester Fortescue.)*

*Ordered, by The House of Commons, to be Printed,
19 March 1871.*

[Bill 113.]

Under 3 oz.

Gasworks Clauses Act (1847) Amendment Bill (No. 2).

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction of Act.
2. Short title.
3. Application of Act.
4. Interpretation.

Supply of Gas to Owners and Occupiers of Premises.

5. Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act.
6. Quality of gas.
7. Undertakers may require consumers to use meters.
8. Undertakers to supply meters.
9. Nature and amount of security.
10. Consumer to keep his meter in proper order.
11. Undertakers to keep meter let for hire in repair.
12. Register of gas meters to be prima facie evidence.
13. Power to remove meter and fittings.

Supply of Gas to Local Authorities.

14. Supply and price of gas to public lamps.
15. As to consumption of gas supplied to the public lamps.
16. Governors for street lamps.
17. For settlement of differences between the Undertakers and the local authority.

Testing of Gas.

18. Testing place.
19. Appointment and powers of gas examiners.
20. Representation of Undertakers.

[Bill 150.]

A

ii *Gasworks Clauses Act (1847) Amendment (No. 2).* [34 VICT.]

Clauses.

- 21. Mode of testing.
- 22. Report of gas examiner.
- 23. Access to testing place.

Accounts.

- 24. Accounts, &c.

Penalties.

- 25. Penalty for failure to supply gas.
- 26. Penalty for injuring meters.

Recovery of Gas Rents.

- 27. Incoming tenants not liable to pay arrears of gas rents, &c.
- 28. Recovery of rents, &c.
- 29. Recovery of sums due to Undertakers.

Legal Proceedings.

- 30. Contents of summons or warrant.
- 31. Warrant of distress shall include costs.
- 32. Summary proceedings for offences, penalties, &c.
- 33. Service of notices by Undertakers.
- 34. Liability to gas rent not to disqualify justices from acting.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Gasworks Clauses Act, 1847.

A.D. 1871.

WHEREAS it is expedient that the provisions contained in The Gasworks Clauses Act, 1847, should be amended :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. The Gasworks Clauses Act, 1847, and this Act, shall be construed together as one Act, and the provisions of this Act shall be held to repeal and supersede such of the provisions of that Act as are inconsistent with this Act. Construction of Act.

2. This Act may be cited as "The Gasworks Clauses Act, 1871." Short title.

3. The provisions of this Act shall apply to every gas undertaking authorised by any special Act hereafter passed, or by any provisional order made under the authority of the Gas and Water Works Facilities Act, 1870, save where the said provisions are expressly varied or excepted by any such special Act or provisional order ; and every such special Act and provisional order is in this Act included in the term "the special Act." Application of Act.

4. Terms used in this Act have the same meanings respectively as the same terms have when used in the Gasworks Clauses Act, 1847, and in the Gas and Water Facilities Act, 1870. Interpretation.

The term "prescribed" in this Act shall mean prescribed by the special Act :

The term "premises" in this Act shall include house and building :

And the expression "superior courts" or "court of competent jurisdiction," in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or

[Bill 150.]

A 2

A.D.1871. demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers
to furnish
sufficient
supply of
gas to owners
and occu-
piers within
the limits of
the special
Act.

5. The Undertakers shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the Undertakers, or such other distance as may be prescribed, give and continue to give a supply of gas for such premises, under such pressure in the main as may be prescribed, and they shall furnish and lay any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,) 5

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the Undertakers, although not on such property, shall be defrayed by such owner or occupier. 15

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: 20

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply; and 30

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers and in respect of gas to be supplied by them. 35

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time 40

become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid, or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice, the undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues. A.D. 1871.

6. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce at the testing place provided in conformity with this Act a light equal in intensity to that produced by the prescribed number of sperm candles of six in the pound, and such gas shall as to its purity not exhibit any trace of sulphuretted hydrogen when tested in accordance with the rules prescribed in that behalf in Part II. of the Schedule A. to this Act annexed. Quality of gas.

7. Every consumer of gas supplied by the Undertakers shall, if required to do so by them, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales of Gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers: Provided always, that the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules contained in the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act. Undertakers may require consumers to use meters.

8. The Undertakers shall supply to any owner or occupier of premises within the limits of the special Act requiring the same a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same. Undertakers to supply meters.

9. Where any owner or occupier is required by this Act to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties. Nature and amount of security.

A.D. 1871.

Consumer
to keep his
meter in
proper
order.

10. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Undertakers is registered, in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such 5 meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense 10 of the consumer.

Undertakers
to keep
meter let
for hire in
repair.

11. The Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any consumer, in proper order for correctly registering gas; and in default of their so doing the consumer shall not be liable to pay rent for the same 15 during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of
gas meters
to be primâ
facie evi-
dence.

12. The register of the meter shall be primâ facie evidence of 20 the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference may be determined upon the application of either party by two justices, who may also order by 25 which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to
remove
meter and
fittings.

13. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all 30 cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other properly authorised officer of the Undertakers, to the occupier, or if un- 35 occupied, then to the owner or lessee, or to the agent of the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in 40 the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Supply of Gas to Local Authorities.

A.D. 1871.

14. The Undertakers shall supply gas to any public lamps within the distance of fifty yards from any of the mains of the Undertakers in such quantities as the local authority of each district within the
 5 limits of the special Act, may from time to time require to be supplied, and the price to be charged by the Undertakers, and to be paid to them for all gas so supplied shall be settled by agreement between the local authorities and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of
 10 the case and the prices charged to private consumers in the district.

Supply and price of gas to public lamps.

15. The gas supplied to the public lamps within the limits of the special Act shall be consumed by meter, at the option either of the local authority of the district or the Undertakers, and in case of its being consumed by meter the meter shall be
 15 provided and fixed by the Undertakers, and be paid for by the party requiring it.

As to consumption of gas supplied to the public lamps.

If the gas is supplied to the public lamps in any district by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to
 20 time provide the public lamps in such district with proper self-acting pressure regulators and burners to the satisfaction of the local authority of such district; and the average amount of the indications of all the meters attached to the public lamps within such district under the control of the local authority shall, except
 25 as herein-after mentioned, be deemed to be the amount consumed by each such lamp in such district.

16. In case gas is supplied to the public lamps in any district by the Undertakers, they or the local authority of such district may, at their own expense, cause to be affixed to each lamp the
 30 instrument known as a street lamp governor, and the Undertakers or such local authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

Governors for street lamps.

17. Any difference which may arise between the Undertakers and any local authority in relation to the supply or consumption of
 35 gas to or by such local authority shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

For settlement of differences between the Undertakers and the local authority.

Testing of Gas.

40 18. The Undertakers shall, under the authority of the special Act, cause to be provided, at the place prescribed and within the

Testing place.

A.D. 1871. — prescribed time, a testing place, with apparatus therein, for the purposes following, or such of them as may be prescribed by the special Act; that is to say,—

1. For testing the illuminating power of the gas supplied :
2. For testing the presence of sulphuretted hydrogen in the gas supplied.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule A. to this Act annexed, or according to such rules as may from time to time be substituted in lieu thereof by any special Act, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

Appoint-
ment and
powers of
gas exa-
miners.

19. The local authority of any district within the limits of the special Act may after the passing of the special Act from time to time appoint, or may appoint and keep appointed a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Act; and such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on any or every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive.

Representa-
tion of
Undertakers.

20. The Undertakers may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Mode of
testing.

21. Any tests taken in pursuance of this Act shall be taken in accordance with the rules prescribed in Part II. of the Schedule (A.) to this Act annexed.

Report of
gas exa-
miner.

22. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

Access to
testing place.

23. The Undertakers shall give to the gas examiner and to his assistants, and to every local authority within the limits of the special Act, and their agents, access to the testing place, and shall afford all facilities for the proper execution of this Act; and in

case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds. A.D. 1871.

Accounts.

5 24. The Undertakers shall fill up and forward to the local authority of every district within the limits of the special Act, on or before the twenty-fifth day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as near as may be in the form and containing
10 the particulars specified in the Schedule C. to this Act annexed. Accounts,
&c.

The Undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling for such copy.

15 The Board of Trade, with the consent of the Undertakers, may alter the said forms for the purpose of adapting them to the circumstances of the undertaking, or of better carrying into effect the objects of this section.

In case the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty
20 not exceeding forty shillings for each day during which such default continues.

Penalties.

25 25. Whenever the Undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises within the limits of the special Act entitled to the same, under such pressure as is prescribed, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues. Penalty for
failure to
supply gas.

Whenever the Undertakers neglect or refuse to supply gas as by this Act required to all or any of the public lamps in accordance
30 with the provisions of Act, they shall be liable to a penalty not exceeding forty shillings for each default.

If on any day the gas supplied by the Undertakers is under less pressure, of less illuminating power or of less purity, than it ought to be according to the provisions of this or the special
35 Act, the Undertakers shall in every such case be liable to a penalty not exceeding twenty pounds.

Provided that no penalty shall be incurred in any case with respect to which it was occasioned by an unavoidable cause or accident.

A.D. 1871.

Penalty for
injuring
meters.

26. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such matter.

*Recovery of Gas Rents.*Incoming
tenants not
liable to pay
arrears of
gas rents,
&c.

27. In case any consumer of gas supplied by the Undertakers leave the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Recovery of
rents, &c.

28. If any person supplied with gas or with any gas meter or fittings by the Undertakers neglects to pay to the Undertakers the rent due for such gas or the rent or money due to the Undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the Undertakers in cutting off the gas from the premises of such person, the Undertakers may recover the sum so due in like manner as a penalty under this Act.

Recovery of
sums due to
Under-
takers.

29. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may

recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum. A.D. 1871.

5

Legal Proceedings.

30. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums. Contents of
summons
or warrant.

31. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. Warrant of
distress shall
include costs.

32. All offences and penalties under this Act, and all money forfeited, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by “The Gasworks Clauses Acts, 1847,” with respect to the recovery of penalties. Summary
proceedings
for offences,
penalties, &c.

33. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates. Service of
notices by
Under-
takers.

34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act Liability to
gas rent
not to dis-
qualify
justices from
acting.

A.D. 1871.

SCHEDULE A.

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance. 5

The burner to be used for testing the gas shall be such as shall be prescribed.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together. 10

2. *The apparatus—*

(a.) *For testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water. 15

PART II.

Rules as to mode of testing gas.

I. Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to 20 the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of half a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour. 25

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the 30 candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing. 35

II. Mode of testing.

(a.) *For sulphuretted hydrogen.*—The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed; and if any discolouration of the test 40 paper is found to have taken place this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Form of Annual Accounts.

Gas Company.

The

Year ended 31st December 18 .

A.—STATEMENT OF SHARE CAPITAL,

On the 31st December 18 .

1. Description of Capital.	2. Maximum Dividend authorised.	3. Number of Shares issued.	4. Nominal Amount of Share.	5. Called up per Share.	6. Total paid up.	7. Amount issued but not paid up.	8 Remaining to be issued.	9. Total Amounts authorised.

B.—STATEMENT OF LOAN CAPITAL,

On the 31st December 18 .

1. Description of Loan (Mortgage, Bond, Debenture, Stock, &c.).	2. Rate per Cent. of Interest.	3. Total Amounts borrowed at 31st December 18 .	4. Remaining to be borrowed.	5. Total Amounts authorised.

Total share capital paid up (See A.) - - - £
Do. loan do. borrowed (See B.) - - - £
Total capital received - - - £

C.—CAPITAL ACCOUNT,

For the year ended 31st December 18 .

Expenditure to 31st December 18 .	Expended this Year.	Total to 31st December 18 .		Certified Receipts, 31st December 18 .	Received during Year.	Total Receipts to 31st December 18 .
£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December 18 -			1. By ordinary shares of £ each -			
Since that date.			2. " ditto of £ each -			
2. To lands acquired, including law charges			5. " preference shares of £ each			
3. " new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture -			4. debenture stock -			
4. " new mains and service pipes (not being in place of old ones), including laying same, paving, and other works connected with distribution -			5. " mortgages and bonds -			
5. " new meters (not in place of old ones), including fixing -			6. " amount received in anticipation of calls -			
6. " costs of promoting special Act -						
7. " special items (if any) -						
Total expenditure	-	-				
To balance of capital account	-	-	Total	-	-	-
		£				

E.—PROFIT AND LOSS ACCOUNT (NET REVENUE),

For the year ended 31st December 18 .

Dr.

Cr.

	£	s.	d.		£	s.	d.
1. To amount carried to reserved fund account E. (if any) from profits of 18	-	-	-	1. By balance of net profit brought from last account (31st December 18)	-	-	-
2. " Interest on temporary loans, and moneys received in anticipation of calls	-	-	-	2. " Amount drawn from reserved fund (if any)	-	-	-
3. " Ditto on mortgages and bonds accrued to 31st December 18	-	-	-	Less dividend paid for the half year ended 31st December 18	-	-	-
4. " Ditto on debenture stock to ditto	-	-	-	3. Balance brought from revenue account D., being profit for year to December 18	-	-	-
5. " Half-year's dividend on 1st preferential to 30th June 18	-	-	-	4. Interest on moneys deposited	-	-	-
6. " Ditto, 2nd preferential to ditto	-	-	-				
7. " Ditto on ordinary shares at per cent.	-	-	-				
" Balance of net profit to be carried to next account subject to half-year's dividends to 31st December 18	-	-	-				£

F.—RESERVED FUND ACCOUNT,

For the year ended 31st December 18 .

	£	s.	d.		£	s.	d.
1. Amount (if any) carried to profit and loss account (E.) to make up deficiencies of dividends to 31st December 18	-	-	-	1. By balance brought from last account	-	-	-
2. Amount paid for extraordinary claim or demand (if any)	-	-	-	2. By balance brought from profit and loss account (E.)	-	-	-
3. Amount of balance to be carried to next account	-	-	-	3. By interest on amount invested	-	-	-
							£

Like accounts must be given for depreciation fund for works on leaseholds, if any.

G.—STATEMENT OF COALS,
During the year ended 31st December 18 .

[150.]

Description of Coal.	In Store, 31st December 18 .	Received during Year.	Carbonized or used during Year.	In Store, 31st December 18 .
	Tons.	Tons.	Tons.	Tons.
Common - - - - -	-	-	-	-
Cannel - - - - -	-	-	-	-

H.—STATEMENT OF RESIDUAL PRODUCTS,
For the year ended 31st December 18 .

C

Description of Residual.	In Store, 31st December 18 . Estimated.	Made during Year. Estimated.	Used in Manufacture during Year. Estimated.	Sold during Year.	In Store, 31st December 18 . Estimated.
Coke—common, chaldrons of 36 bushels	-	-	-	-	-
cannel " "	-	-	-	-	-
Breeze " "	-	-	-	-	-
Tar, gallons - - - - -	-	-	-	-	-
Ammoniacal liquor, butts of 108 gallons	-	-	-	-	-

I.—GENERAL BALANCE SHEET,

On 31st December 18 .

Dr.

Cr.

		£	s.	d.
1. TO CAPITAL ACCOUNT—	Balance at credit thereof (Account C.)	-	-	-
		-	-	-
2. " PROFIT AND LOSS ACCOUNT—	Balance at credit thereof (Account E.)	-	-	-
		-	-	-
3. " RESERVED FUND—	Balance at credit thereof (Account F.)	-	-	-
		-	-	-
4. " DEPRECIATION FUND (for works on leasehold lands)—	Balance at credit thereof (Account .)	-	-	-
		-	-	-
5. " Unpaid dividends	-	-	-	-
6. " Interest accrued and unpaid on mortgages, bonds, and debenture stock, and other loans, to 31st December 18	-	-	-	-
7. " Sundry tradesmen and others, for amount due for coals, stores, &c., to 31st December 18	-	-	-	-
8. " WAGES AND CONTINGENCIES	-	-	-	-
	Amount due to 31st December 18	-	-	-
	Other items (if any)	-	-	-
		£		
	1. By cash at bankers	-	-	-
	2. " on deposit or at interest	-	-	-
	3. " coals for stock on hand, 31st December 18	-	-	-
	4. " coke and breeze	-	-	-
	5. " tar and other products	-	-	-
	6. " sundry stores	-	-	-
	7. " gas and meter rental; balance of this account due to the company on 31st December 18, less deposits and prepayments	-	-	-
	8. " coke and other residual	-	-	-
	9. " sundry accounts	-	-	-
	" special items (if any), including investments	-	-	-
		£		

**Gasworks Clauses Act
(1847) Amendment
(No. 2).**

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Gasworks Clauses Act,
1847.

•

(Prepared and brought in by
Mr. Arthur Peel and Mr. Chester Fortescue.)

*Ordered, by The House of Commons, to be Printed,
18 May 1871.*

[Bill 150.]

Under 3 oz.

A

B I L L

TO

Determine the Boundaries of the Barony and Regality of Glasgow for purposes of Registration. A.D. 1871.

WHEREAS by the third section of The Land Registers (Scotland) Act, 1868, it is enacted that for the purposes of the said Act the barony and regality of Glasgow shall be treated as a county; but doubts are entertained as to the boundaries of said barony and regality; 31 & 32
Vict. c. 64.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. For the purposes of the recited Act, the barony and regality of Glasgow shall be deemed and taken to consist of the parishes of Barony, Maryhill, Shettleston, Govan, Gorbals, and Cadder, and of the parishes or parts of parishes within the ancient burgh of Glasgow, and no more; and for the purposes of said Act no part of the parish of Old Monkland shall be deemed or taken to be within said barony or regality, but the entire parish of Old Monkland shall be deemed and taken to be only within the county of Lanark. Boundaries
of the
barony and
regality of
Glasgow.

2. No writ relating to lands or heritages within the parishes of Barony, Maryhill, Shettleston, Govan, Gorbals, Cadder, and Old Monkland, or any one or more of those parishes, heretofore registered in the General Register of Sasines in the division thereof applicable to the barony and regality of Glasgow, or in the division thereof applicable to the county of Lanark, or in the division thereof applicable to the county of Renfrew, shall be open to objection in respect that such writ ought to have been registered in one or more of said other divisions; and all such writs shall be held to be, and shall be sufficiently registered, notwithstanding any such objection. Registration
of certain
writs regis-
tered in the
General
Register of
Sasines to
be effectual.

[Bill 198.]

A.D. 1871. **3.** No writ relating to lands or heritages within the parish of Old Monkland heretofore registered in the particular Register of Sasines for the barony and regality of Glasgow, or in the particular Register of Sasines for the county of Lanark, shall be open to objection on the ground that such writ should have been registered in the other of the said two registers; and all such writs shall be held to be, and shall be sufficiently registered, notwithstanding any such objection. 5

Registration of certain writs registered in particular Registers of Sasines to be effectual. **4.** Provided always, that no provision of this Act shall operate to invalidate or in any way affect injuriously any writ validly registered in the proper register prior to the passing of this Act, or any rights depending thereon. 10

Saving the preference of writs validly registered.

Glasgow Boundary.

A

B I L L

To determine the Boundaries of the
Barony and Regality of Glasgow for
purposes of Registration.

*(Prepared and brought in by
The Lord Advocate and Mr. Adam.)*

*Ordered, by The House of Commons, to be Printed,
15 June 1871.*

[Bill 198.]

Under 1 oz.

249

A
B I L L

TO

Amend "The Glebe Loan (Ireland) Act, 1870."

A.D. 1871.

WHEREAS by "The Glebe Loan (Ireland) Act, 1870," the Commissioners of Public Works in Ireland are authorised to make advances out of public money by way of loan for the several purposes in the said Act mentioned :

33 & 34 Vict.
c. 112.

5 And whereas it is expedient to amend and extend the provisions of the said Act :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the
10 authority of the same, as follows :

1. This Act may be cited as "The Glebe Loan (Ireland) Amendment Act, 1871," and this Act and "The Glebe Loan (Ireland) Act, 1870," shall be read together and construed as one Act; and the said Acts may be cited as "The Glebe Loan (Ireland) Acts, 1870
15 and 1871."

Short title.

2. The term "principal Act" in this Act shall mean "The Glebe Loan (Ireland) Act, 1870 :"

Interpreta-
tion.

The term "the board" in this Act or in any proceedings or document under the same shall mean "The Commissioners of
20 Public Works in Ireland :"

The term "work" in the principal Act used shall also include offices and inclosures.

3. The board for the purposes of the principal Act and of this Act shall be incorporated under the style of "The Commissioners of
25 Public Works in Ireland," and by that name shall have succession, and shall have a common seal, to be by them made and from time to time altered, as they shall think fit; and all courts, judges, justices, and persons judicially acting, and other officers shall take judicial notice of such seal, and every order or other act of the
30 board in reference to the principal Act or this Act, or copies of the
[Bill 225.]

Incorporation of Commissioners of Public Works in Ireland.

2 *Glebe Loan (Ireland) Act (1870) Amendment.* [34 & 35 VICT.]

A.D. 1871. same purporting to be sealed with such seal, shall be received in evidence without further proof.

Additional purposes for which loans may be granted.

4. In addition to the purposes for which loans may be made, as stated in section three of the principal Act, the board may also make loans in the manner and subject to the conditions therein mentioned for either of the purposes following; viz.,— 5

1. The purchase of any dwelling-house, with or without offices, deemed desirable for the dwelling-house of any ecclesiastical person, such loan not to exceed *two thirds* of the purchase money : 10
2. The discharge of any debt due and incurred before the tenth day of August one thousand eight hundred and seventy, in the erection, enlargement, or structural improvement of any such dwelling-house or offices thereto annexed, such loan not to exceed *two thirds* of the amount expended on such building. 15

Security for the repayment of loan.

5. Every such loan made under this Act shall be repaid by the payment of an annual rentcharge as in the principal Act mentioned, and all lands, buildings, and premises in respect of which any such loan shall be made shall be deemed to be and shall be well charged with the payment of such rentcharge, and that in priority to all charges and incumbrances whatsoever affecting such estate or interest, save and except quitrents and rentcharges in lieu of tithes, and except all charges prior in date (if any) existing under any of the Acts mentioned in the schedule to the principal Act: Provided always, that in case such lands, buildings, or premises shall be held under any grant or demise, nothing therein contained shall prejudice or affect the right of the grantor or lessor in any such grant or demise, or of any superior grantor or lessor; and every such rentcharge shall be recovered in like manner as any rentcharge under the principal Act. 20 25 30

Insurance of premises subject to loan.

6. When any loan shall be made under the principal Act or this Act, the board, if they think fit, may insure against damage by fire all buildings and erections then or thereafter standing or being on the lands, hereditaments, and premises charged with such loan, such insurance to be effected in such insurance office or company, and in such sum of money, not exceeding the amount of such loan, as the board shall from time to time direct; and the board shall keep on foot such insurance as aforesaid, and all premiums paid thereon by the board shall be deemed to be included in all charges 35 40

and securities whereby repayment of such loan shall be secured, and shall be forthwith recoverable in like manner as any instalment of the rentcharge payable in respect of such loan. A.D. 1871.

7. In all cases of loans under the principal Act or this Act, the board shall make an order under their seal, declaring that such loan has been made, and setting forth the amount of such loan, the names of the persons to whom or on whose application the same has been made, and a description of the lands, hereditaments, or premises charged therewith, and such order may be in the form set forth in the schedule to this Act, or to a similar effect.

Com-
mis-
sioners to
make an
order under
their seal.

8. In all cases where the board shall have made any such order they shall execute under their common seal a duplicate thereof, and forthwith cause the said duplicate order to be lodged with the registrar of deeds in the office for registry of deeds in the city of Dublin, and the registrar of the said registry office, his and their assistants, deputies, and other officers, shall register the same in the same manner as any deeds or instruments are registered in said office, and shall enter a memorial thereof in the abstract books and indexes of or relating to memorials registered and kept in the said office, and shall return such registry in any search made in such registry office: Provided always, that no fees shall be payable in respect of such registration.

Com-
mis-
sioners to
register
order for
loan.

9. From the date of such order, the lands, hereditaments, and premises therein mentioned shall become charged with the rentcharge to be payable in respect of any loan under the principal Act or this Act, and every such order shall be conclusive evidence of all facts stated therein in pursuance of the provisions of this Act.

The pre-
mises to
become
chargeable
with the
payment of
such rent-
charge from
the date of
registry.

10. The rentcharge reserved to Her Majesty under the principal Act or this Act shall be paid to the board, and the receipt of the accountant of the board for the time being shall be a sufficient discharge for the same.

Rentcharge
to be paid to
the board.

11. The ecclesiastical person for the time being occupying or entitled to occupy the lands, buildings, or premises in respect of which any loan shall have been made under the principal Act or this Act shall be deemed personally liable to pay and discharge the annual rentcharge and arrears thereof, premiums of insurance, and other moneys on account of such loan accruing due during the term or interest of such person.

Ecclesias-
tical person
in occupa-
tion, &c. to
pay rent-
charge.

All the powers and provisions contained in the Acts mentioned in the schedule to the principal Act, and relating to the recovery of rentcharges under the provisions of the said Acts, shall apply to

4 *Glebe Loan (Ireland) Act (1870) Amendment.* [34 & 35 VICT.]

A.D. 1871. the recovery of rentcharges under the provisions of the principal Act and of this Act.

Certificate of amount due to be evidence.

12. In any proceedings which shall be taken for recovery of any rentcharge aforesaid or premium of insurance, a certificate under the seal of the board certifying that a loan has been made 5 under the principal Act or this Act, and the amount thereof, and the annual amount of rentcharge payable in respect thereof, and the lands, hereditaments, and premises charged therewith, and the annual amount of fire insurance premiums or other moneys payable in respect of the premises the subject of such loan, and the amount 10 due in respect of such rentcharge, premiums, and moneys respectively, shall be conclusive evidence in all judicial proceedings of the matters therein certified.

Power to redeem rent-charge.

13. Any ecclesiastical person entitled to occupy any lands, buildings, or premises in respect of which any loan may have been 15 made subject to any such rentcharge as aforesaid shall be at liberty, at any time before the expiration of the period for which such rentcharge shall be payable, to redeem the same, on payment to the board of the arrears, if any, thereof, and of such sum as shall be equal to the value of such rentcharge, to be ascertained by the said 20 board, and upon the expiration or redemption of such rentcharge, and on payment of all premiums or other moneys payable in connexion therewith, and of all costs, charges, and expenses (if any) incurred in any proceedings to recover the same, the board shall execute under their seal and deliver to such ecclesiastical person a 25 certificate stating that all moneys chargeable upon such lands, buildings, and premises have been paid, and the board shall also execute a duplicate certificate to the like effect, and the board shall cause such duplicate certificate to be registered in the like manner as the order herein-before mentioned in the office for the registry of 30 deeds in the city of Dublin, and for which registration no fee shall be payable, and upon the execution and delivery of such certificate the lands, buildings, and premises so mentioned therein shall be released from all liability in respect of such loan.

Sect. 10. of principal Act repealed.

14. The tenth section of the principal Act is hereby repealed, and 35 in lieu thereof it is hereby enacted, that no loan under the provisions of the principal Act or this Act shall be made after the *thirty-first day of August* which will be in the year *one thousand eight hundred and seventy-five*.

A.D. 1871.

SCHEDULE A.

"The GLEBE LOAN (IRELAND) ACTS, 1870 and 1871."

Charging Order.

Whereas under the provisions of the above-mentioned Acts the
 5 Commissioners of Public Works in Ireland have made a loan of the
 sum of £ upon the application of
 in the county of for the purpose of :

Now we the said Commissioners do hereby order and declare that the lands, hereditaments, and premises to be charged with the said
10 loan are as follow; that is to say, situate in the
parish of barony of in the county
or county of the city of .

In witness whereof we the said Commissioners of Public Works
in Ireland have hereunto and to a duplicate hereof affixed our
15 common seal, this day of in the
year of our Lord 187 .

Glebe Loan (Ireland)
Act (1870) Amendment.

A

B I L L

To amend “The Glebe Loan (Ireland)
Act, 1870.”

*(Prepared and brought in by
The Marquis of Hartington, Mr. Solicitor General
for Ireland, and Mr. Baxter.)*

*Ordered, by The House of Commons, to be Printed,
4 July 1871.*

[Bill 225.]

Under 1 oz.

A
B I L L

TO

Amend the law of Lunacy, and to provide for the management of Habitual Drunkards. A.D. 1871.

WHEREAS it is expedient to extend the provision of certain laws relating to lunatics to those who, by reason of frequent, excessive, or constant use of intoxicating liquors, shall be incapable of or unfit for the proper management of their persons, families, or property : Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **PART I.**—*Relating to the Confinement of Habitual Drunkards.*

1. That any person who, by reason of frequent, excessive, or constant use of intoxicating liquors, is incapable of self-control, or dangerous to himself or others, or incapable of proper attention to and care of his affairs and family, shall be deemed an habitual drunkard and of unsound mind. Definition of an habitual drunkard.

2. An habitual drunkard may be confined in any licensed reformatory, asylum, or refuge, or in any reformatory, ward, or building attached to or belonging to any union or parish work-house while under the influence of such unsoundness of mind, and for such sufficient length of time afterwards as may be necessary for the restoration of the mind and health of such person. Power to confine an habitual drunkard.

3. Reformatories, sanitariums, or refuges for the reception of such persons as are described in section one of this Act may be established by private individuals, or by an association of individuals, or by corporations or unions, or by the magistrates assembled in quarter sessions ; and nothing in this Act shall be construed as preventing the proprietors or keepers of lunatic asylums from establishing and maintaining such reformatories, sanitariums, or refuges ; provided always, that they are not situated under the same roof or within the compass of the walls of the same buildings in which lunatics are confined. Reformatories, sanitariums, or refuges may be established.

[Bill 38.]

A

A.D. 1871.

Reformatories,
sanitariums, or
refuges to be
licensed as
under
8 & 9 Vict.
c. 100.

4. Such reformatories, sanitariums, or refuges shall, in so far as relates to licensed houses and visitation by Commissioners of Lunacy and others, be subject in England to all the provisions of the Act eighth and ninth Victoria, chapter one hundred; in Scotland to the provisions of the Act twenty and twenty-first Victoria, chapter 5 seventy-one, and subsequent Acts amending the same; and in Ireland to the provisions of the Act first and second George the Fourth, chapter thirty-three.

Habitual
drunkards
may be ad-
mitted and
kept in such
reforma-
tories, &c.

5. Any person affected in the manner described in the first section of this Act may be admitted into any such reformatory, 10 sanitarium, or refuge upon his own written request, without certificate or other evidence than his own statement that he is a habitual drunkard, and desires to be taken care of in such reformatory, sanitarium, or refuge.

Persons who
may apply
for the ad-
mission of
habitual
drunkards.
Certificates
of two medi-
cal men and
magistrate's
signature.

6. Upon the request of a near relation, friend, or guardian, 15 any person affected in the manner set forth in the first section of this Act may be admitted into any such reformatory, sanitarium, or refuge, upon the production of certificates, signed by two duly qualified medical practitioners, and countersigned by a magistrate, and in Scotland by a sheriff or sheriff substitute, acting in the 20 district in which the party lives; and upon the affidavit or sworn declaration of some credible witness other than the applicant, stating that the party is an habitual drunkard, and either dangerous or incapable as before described.

Certificates
to be given.

Nature of
certificate.

7. Such certificates by the medical practitioners shall be given 25 only after a separate examination of the person to be admitted by each subscriber of the said certificate, and such certificate shall fully and completely state the facts in respect of which such certificate is granted; the facts to be classed as those personally known to the signer and as those communicated to him by others. 30

Certificates
to be sent
within forty-
eight hours
to Commis-
sioners in
Lunacy.

8. Keepers of reformatories, sanitariums, or refuges duly licensed shall, within *forty-eight hours* after the admission of any person, send a copy of the request for admission, and of the certi- 35 ficates and declarations upon which such admissions shall have been granted, to the Commissioners in Lunacy in England, Scotland, or 35 Ireland, as the case may be.

Persons con-
fined may be
discharged,
and how.

9. Any person confined in any reformatory, sanitarium, or refuge duly licensed under this Act may be discharged by an order of the Lord Chancellor, or by a Commissioner of Lunacy, or by a justice of the peace in England or Ireland, or by a sheriff or 40 sheriff substitute in Scotland, acting within the county within which the place of detention is situated, on satisfactory proof being given

A.D. 1871.

that such person is cured of his disorder, and that he may, with safety to himself and others, be discharged, or allowed leave of absence on probation; but no such discharge shall be made or leave of absence granted without consultation with and certificates from one or more duly qualified practitioners that such person is recovered or fit to be allowed leave.

10 **10.** All proceedings and matters relating to and affecting the guardianship and management of the estate of the person affected as hereinbefore mentioned (section two), or of his estate, shall be in England in accordance with and governed by an Act entitled "The Lunacy Regulation Act, 1863;" in Scotland by the laws relating to the guardianship and management of the estate of lunatics; and in Ireland by the provisions of the first and second George the Fourth, chapter thirty-three.

Management
of estate of
persons
subject to
Act.

15 **11.** No person who shall be admitted to a reformatory, sanitarium, or refuge, either on his own application, or on the application of relation, friend, tutor, or guardian, shall be admitted for less than *three months* nor more than *twelve months*; but nevertheless it shall be lawful for any Commissioner in Lunacy, or justice of the peace or magistrate, or in case of the person being sent by order of the Lord Chancellor, then for the Lord Chancellor, and in Scotland for the sheriff or sheriff substitute of the county within which the place of detention is situated, to shorten or to extend the period of residence upon the certificates of two duly qualified medical practitioners that it is desirable and safe to do so.

Limitation
of the period
of detention.

PART 2.—*Relating to the Commitment of Habitual Drunkards by Magistrates.*

30 **12.** It shall be lawful for the magistrates of any county, city, or borough to establish a reformatory, sanitarium, or refuge, and to make suitable provision for the reception and detention of persons affected as described in section two of this Act, or to convert any ward, wing, part, or whole of any existing prison or house of correction to such purposes; or to contract with proprietors of any duly licensed reformatory, sanitarium, or refuge for the reception of persons as afore described, and the cost thereof shall be defrayed out of any county or borough rate, as is now done in regard to any prison or house of correction.

Magistrates
may establish
reforma-
tories, sani-
tariums, and
refuges.

35 **13.** It shall be lawful for any board of guardians to appropriate a ward, wing, or building belonging to the union or hundred workhouse to the purpose of a reformatory, sanitarium, or refuge for habitual drunkards.

Board of
guardians
may form
reforma-
tories, &c.

A.D. 1871.

Magistrates
may commit
to reforma-
tories, on
evidence,
habitual
drunkards.

14. It shall be lawful for any two or more justices of the peace or magistrates sitting in petty session, or for a stipendiary magistrate, and in Scotland for the sheriff or sheriff substitute of the county, to send to a reformatory, sanitarium, or refuge any person who on it being proved by evidence given before him and by the certificate of two medical practitioners that such an one is a person affected in the manner described in section one of this Act, and who is unable to pay for his maintenance in any other reformatory, sanitarium, or refuge, for a period not less than *three months* nor more than *twelve months*.

10

Magistrates
may commit
any person
thrice con-
victed in six
months
without cer-
tificate.

15. It shall be lawful for any two or more justices of the peace or magistrates sitting in petty session, or stipendiary magistrate, and in Scotland for the sheriff or sheriff substitute, to commit to such reformatory, sanitarium, or refuge, without certificate, any person who has been convicted of drunkenness or a breach of the peace while drunk *three times* within six calendar months for a period not less than *three months* nor more than *twelve months*.

15

Extension
of the period
of detention
of certificate.

16. The period of committal may be extended to a period of not more than *six months* beyond the time of the first committal, upon the evidence or certificate of a duly qualified medical practitioner that such extension of the period of detention is required for the restoration of the mind and health of the detained party.

20

Nothing in
this Act to
prevent
appeal.

17. Nothing in this Act shall prevent any party committed in England or Ireland by magistrates to a sanitarium, reformatory, or refuge from appealing against such committal to the magistrates assembled in quarter sessions.

25

Nothing in
this Act to
alter crimi-
nal laws.

18. Nothing in this Act contained shall be construed to alter the law so far as regards the liability of drunkards for criminal acts done by them while under the influence of drink.

Lunacy re-
gulations to
apply.

19. In so far as they may be applicable, the provisions of the Lunacy Regulations Act shall be incorporated in this Act.

30

Short title.

20. This Act shall be called the Habitual Drunkards Act, 1871.

Habitual Drunkards.

A

B I L L

To amend the law of Lunacy, and to
provide for the management of
Habitual Drunkards.

(Prepared and brought in by
*Mr. Donald Dalrymple, Mr. Gordon, Mr. Pease,
and Mr. Downing.*)

*Ordered, by The House of Commons, to be Printed,
15 February 1871.*

[Bill 38.]

Under 1 oz.

A
B I L L

TO

Provide for the payment of Wages without stoppages in the Hosiery manufacture. A.D. 1871.

WHEREAS a custom has prevailed among the employers of artificers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and it is desirable to prohibit such letting of frames and machinery, and the stoppage
5 of wages for frame rents and charges in the hosiery manufacture :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. All contracts for wages and the full and entire amount of all wages the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage
15 of any description whatever, save and except for bad and disputed workmanship.

Wages to be paid without any stoppages whatever.

2. All contracts to stop wages, and all contracts for frame rents and charges, between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

Contracts to stop wages and for frame rents illegal.

20 3. If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ, any part of such wages for frame rent and standing or other charges, or shall refuse or neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of *five pounds* for every offence, to be recovered by the said artificer or any other
25 person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

Penalty for bargaining to deduct and for deducting from wages.

4. No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

No action to be allowed in respect of any such bargaining.

[Bill 196.]

Not to prevent the recovery by the employer of any debt due to him from the artificer.

Definition of terms.

5. Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

6. Within the meaning and for the purposes of this Act, all workmen, labourers, and other persons, in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be deemed "artificers," and, within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be "employers;" and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompence, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour; and within the meanings and for the purposes aforesaid any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificers are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

Commencement of Act.

7. This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

Short title.

8. This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1871.

Hosiery Manufacture (Wages).

A

B I L L

To provide for the payment of Wages
without stoppages in the Hosiery
manufacture.

(Prepared and brought in by
*Mr. Pell, Mr. Wheelhouse, Mr. Frederic Smith,
and Mr. Joshua Fielden.*)

*Ordered, by The House of Commons, to be Printed,
13 June 1871.*

[Bill 196.]

Under 1 oz.

A

B I L L

TO

Make provision respecting Deductions from Wages in the A.D. 1871.
Hosiery Manufacture.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** After the *first day of November one thousand eight hundred and seventy-one* deductions from wages in respect of frame-rents and other charges in the hosiery manufacture shall not be made otherwise than by way of a percentage or poundage from the wages earned and agreed upon before the commencement of the
- 10 work, and shall if otherwise made be deemed to be illegal payments.
- 2.** For the purposes of this Act the term "hosiery manufacture" includes any manufacture, trade, or occupation in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, or otherwise preparing any kinds of woollen,
- 15 worsted, yarn, stuff, Jersey, linen, cotton, flax, mohair, or silk, whether the same be or be not mixed one with another.
- 3.** This Act shall be construed as one with the Act of the first and second of William the Fourth, chapter thirty-seven, commonly called the Truck Act.

Provision
as to deduc-
tions from
wages in
hosiery
manufac-
tures.

Interpre-
tation.

Construction
of Act.

Hosiery Manufacture (Wages) (No. 2).

A

B I L L

To make provision respecting Deductions
from Wages in the Hosiery Manufac-
ture.

(Prepared and brought in by
*Mr. Mundella, Mr. Morley, Mr. Taylor, and
Mr. Harris.*)

*Ordered, by The House of Commons, to be Printed,
27 July 1871.*

[Bill 275.]

Under 1 oz.

A

B I L L

FOR

Enabling the House of Commons and any Committee thereof to administer Oaths to Witnesses. A.D. 1871.

WHEREAS it is expedient that the House of Commons, and any committee thereof, should respectively have the powers of administering oaths to witnesses :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The House of Commons may administer an oath to the witnesses examined at the bar of the said House.
10 Any committee of the House of Commons may administer an oath to the witnesses examined before such committee.
Any person examined as aforesaid who wilfully gives false evidence shall be liable to the penalties of perjury.

Examination of witnesses on oath by the House of Commons and committees of the House.

2. The first section of the Act of the session of the twenty-first and twenty-second years of Her present Majesty, chapter seventy-eight, intituled "An Act to enable the committees of both Houses of Parliament to administer oaths to witnesses in certain cases," shall be repealed:

Repeal of section 1 of 21 & 22 Vict. c. 78.

Provided that the repeal enacted in this Act shall not affect any penalty, forfeiture, or other punishment incurred in respect of any offence against the section hereby repealed, or the institution of any legal proceeding, or any other remedy for ascertaining, enforcing, or recovering any such penalty, forfeiture, or punishment as aforesaid.

3. This Act may be cited as "The Parliamentary Witnesses Oaths Act, 1871."

Short title of Act.

House of Commons (Witnesses).

A

B I L L

For enabling the House of Commons and
any Committee thereof to administer
Oaths to Witnesses.

(Prepared and brought in by
Mr. Attorney General, Mr. Secretary Bruce, and
Mr. Solicitor General.)

Ordered, by The House of Commons, to be Printed,
18 May 1871.

[Bill 156.]

Under 1 oz.

A

B I L L

TO

Abolish the Landlord's Right of Hypothec in Scotland.

A.D. 1871.

WHEREAS it is expedient to abolish the landlord's hypothec for rent in Scotland, and to place landlords' claims for rent upon the same footing as other personal debts with respect to the legal remedies for the recovery thereof:

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, the landlord's hypothec
10 for rent in Scotland shall cease and determine; and landlords shall have for the recovery of the rents due to them the like legal remedies, and no others, which are, by the law of Scotland, competent to creditors in personal obligations. Hypothec for rent to cease; remedies for recovery of rents.
2. This Act shall not apply to claims for rent due under written
15 leases current at the date of the passing thereof. Not to apply to current leases.

Hypothee Abolition (Scotland).

A

B I L L

To abolish the Landlord's Right of
Hypothee in Scotland.

*(Prepared and brought in by
Mr. Carnegie, Mr. Fordey, and Mr. Cunningham.)*

*Ordered, by The House of Commons, to be Printed,
10 February 1871.*

[Bill 9.]

Under 1 oz.

Inclosure Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Construction and short title.
2. Definitions.

Allotments for Recreation Grounds and Field Gardens.

3. Allotments for recreation grounds and field gardens out of common. See 8 & 9 Vict. c. 118. ss. 30, 31. 8 & 9 Vict. c. 118. s. 74.
4. Allotment for recreation ground out of commonable lands.
5. Situation, &c. of allotment for recreation ground and field garden.
6. Expense of clearing, draining, and fencing allotment for recreation ground and field garden.
7. Letting of field gardens to poor inhabitants. 8 & 9 Vict. c. 118. s. 109.
8. Application of rents of field gardens. 8 & 9 Vict. c. 118. s. 73.
9. Allotments for paths, rides, and drives.
10. Dedication to public of rights over allotment.
11. Making of byelaws for recreation ground, &c.
12. Substitution of allotments in the case of recreation ground and field garden. 9 & 10 Vict. c. 70. s. 4.
13. Trustees for recreation ground and field garden.
14. Map of recreation ground, field garden, path, ride, and drive.

Regulated Pastures.

15. Application for inclosure as regulated pasture. See 8 & 9 Vict. c. 118. s. 113.
16. Fencing of regulated pasture.
17. Field reeves to be land-owners under 27 & 28 Vict. c. 114.

Suburban Commons.

18. Definition of suburban common.
19. Local authority for common.

[Bill 32.]

A

Clauses.

20. Extension to suburban common of 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.
21. Determination of differences as to byelaws under scheme.

Miscellaneous.

22. Certificate of Commissioners as to situation of town.
23. Notices of meeting. 8 & 9 Vict. c. 118. ss. 25 and 45.
24. Hearing of claims by Assistant Commissioner. 8 & 9 Vict. c. 118. ss. 35, 46, and 48.
25. Report from allotment wardens, trustees, &c. to Commissioners.
26. General report of Commissioners.
27. Repeal.

SCHEDULES.

A
B I L L

TO

Amend the law relating to Inclosures of Commons, and to provide for the management of Commons situate near towns. A.D. 1871.

WHEREAS it is expedient to make better provision for securing allotments for recreation and for the labouring poor upon the inclosure of any land, and to provide for the management of commons situate near towns, and otherwise to amend the law relating to the inclosure of commons :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 *Preliminary.*

1. This Act shall be construed as one with the Acts mentioned in the first schedule to this Act ; and those Acts, together with this Act may be cited as the General Inclosure Acts, 1845 to 1871, and each of the said Acts may be cited by the short title in the said
15 schedule mentioned, and this Act may be cited as the General Inclosure Act, 1871.

Construc-
tion and
Short title.

2. In this Act, unless the context otherwise requires,—
The term “common” means any land consisting of waste land of
20 any manor on which the tenants of such manor have rights of common, or of any land subject to any rights of common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year, and are not limited by number or
stints :

Definitions.

25 The term “commonable land” means all land which is not common, as before defined, and is subject to be inclosed under the General Inclosure Acts, 1845 to 1871 :

The term “neighbourhood” means the whole area of any land comprised in a provisional order respecting the inclosure
[Bill 32.]

A.D. 1871.

thereof, and of the parish or parishes in which any part of such land is situate, and every place situate within *two* miles of the boundary of such land :

The term "recreation ground" means a ground applicable or used for the purposes of exercise and recreation of the inhabitants 5 of the neighbourhood :

The term "field garden" means a field applicable for being let to the labouring poor, whether agricultural or not, of the neighbourhood :

The term "person" includes body corporate : 10

The terms "town," "local authority," and "local rate" mean respectively the town, local authority, and local rate mentioned in the second schedule to this Act.

Allotments for Recreation Grounds and Field Gardens.

Allotments
for recrea-
tion grounds
and field
gardens out
of common.
See 8 & 9
Vict. c. 118.
ss. 30, 31.

3. Where the land proposed to be inclosed, or any part thereof, 15 consists of common, the Commissioners shall require, and in their provisional order relating to such land specify, as one of the terms and conditions of the inclosure thereof, the appropriation free of all charge for the purpose of a recreation ground or recreation grounds, or a field garden or field gardens, or partly for one purpose 20 and partly for the other, of an allotment not less in extent than one tenth part of the whole of such common, unless such tenth part exceeds fifty acres, and in such case an allotment of fifty acres.

Allotment
for recrea-
tion ground
out of com-
monable
lands.

4. Where the public have been in the habit of using any com- 25 monable land at any time of the year for the purposes of exercise and recreation, and such commonable land is proposed to be inclosed, the Commissioners shall, in their provisional order relating to such land, specify, as one of the terms and conditions of the inclosure thereof, the appropriation free of all charge of an allotment for a 30 recreation ground.

An allotment under the provisions of this section shall bear the same proportion in extent to the allotment which would have been made out of the commonable land proposed to be inclosed if such land had been common as the portion of the year during which the public 35 used such land bears to the whole year.

Situation, &c.
of allotment
for recrea-
tion ground
and field
garden.
8 & 9 Vict.
c. 118. s. 74.

5. Every allotment made in pursuance of this Act shall be in such part of the inclosure as appears to the Commissioners to be best suited for the purpose for which it is appropriated; and the provisions of the General Inclosure Act, 1845, with respect to the 40 allotment of land appropriated for a recreation ground to any

A.D. 1871.

person entitled to an allotment who consents to receive the same in full or in part of his allotment, subject to certain obligations and rights in favour of the public, shall apply to land appropriated for a recreation ground in pursuance of this Act.

- 5 Where any land proposed to be inclosed consists partly of common and partly of commonable land, the Commissioners, if satisfied that it would be more advantageous for the population of the neighbourhood that the allotment for a recreation ground or a field garden or any part thereof should be made out of the common-
 10 able land instead of out of the common, or out of the common instead of out of the commonable land, shall, in the provisional order relating to such land, specify as one of the terms and conditions of the inclosure thereof that the said allotments or some part thereof shall be made accordingly out of the commonable
 15 land or common, as the case may be, and shall cause an equivalent out of the common or commonable land (as the case may be) to be allotted by way of exchange to the persons interested in the commonable land or common.

6. Where an allotment is made for a field garden, the valuer
 20 shall, unless the Commissioners think it inexpedient so to do, cause the same to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section shall be paid by the valuer in the first instance as part of the general expenses of the inclosure,
 25 but, in order to pay those expenses, a portion of the said allotment, equal in value to the amount of the said expenses, shall either be sold or shall be allotted together with the rest of the land to be inclosed among the persons interested in the inclosure.

Expense of clearing, draining, and fencing allotment for recreation ground and field garden.

- The provisions of this section shall apply, mutatis mutandis, to
 30 the case of an allotment for a recreation ground, whether made to a public body or to a private person, but the Commissioners may, by order, direct that an allotment for a recreation ground shall not be cleared or levelled, and shall be distinguished by metes and bounds, and not fenced.

- 35 7. The allotment wardens may from time to time let the allotment under their management, whether made before or after the passing of this Act, in gardens not exceeding one quarter of an acre each to poor inhabitants of the neighbourhood, whether agricultural or not, in manner directed by the General Inclosure Act, 1845 :

Letting of field gardens to poor inhabitants. See 8 & 9 Vict. c. 118. s. 109.

- 40 Provided that—

(1.) Where the whole of the allotment is not required for poor inhabitants, the amount let to any one poor inhabi-

[32.]

A 3

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tant may exceed one quarter of an acre, so that it do not exceed one half of an acre :

- (2.) If any portion of the allotment is not required for poor inhabitants of the neighbourhood, such portion may be let to any person whatever at the best annual rent which can be 5 obtained for the same, without any premium or fine, and on such terms as may enable the allotment wardens to resume possession thereof within a period not exceeding twelve months, if the same should at any time be required for such poor inhabitants as aforesaid. 10

Section one hundred and ten of the General Inclosure Act, 1845, (which relates to the recovery of such gardens on the nonpayment of rent,) shall be construed as if "residing out of the neighbourhood" were therein substituted for "residing more than one mile out of the parish;" and where any part of the said allotment is let under the 15 provisions of this section to any tenant who is not a poor inhabitant, the allotment wardens may agree with such person that the said section one hundred and ten shall not apply to such tenancy.

Application
of rents of
field gardens.

8. All rents payable by the tenants of an allotment for a field garden, made either before or after the passing of this Act, shall be 20 payable to the allotment wardens; and such wardens shall, if the legal estate is not vested in them, have the same remedies for the recovery thereof, by distress and otherwise, as if the legal estate in such field garden were vested in them.

The rents shall be applied by the wardens in payment, in the first 25 place, of all rates, taxes, tithes, and rentcharges which may be payable in respect of the field garden, and of all expenses incurred by the allotment wardens in the execution of their duties under the General Inclosure Acts, 1845 to 1871; and the residue shall be employed in improving that or any other field garden in the same 30 neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for a field garden.

Any such rents not immediately required for the above purposes may be invested in the names of the official trustees of charitable funds; and the dividends received on such investment, or on the 35 investment of the accumulation of such dividends, may either be applied in the same manner as rents received from a field garden may be applied, or may be invested in the names of the said official trustees.

See
8 & 9 Vict.
c. 118. s. 73.

The provisions of this section shall apply, *mutatis mutandis* to 40 any allotment for a recreation ground which may be vested in any local authority or any churchwardens and overseers or any trustees

for the public (exclusive of any allotment made to a private person, A.D. 1871.
as the whole or part of his allotment).

9. The Commissioners may in their provisional order relating to any common proposed to be inclosed specify that one of the
5 terms and conditions of the inclosure thereof is the appropriation, in addition to the recreation ground required by this Act to be allotted, of paths or rides or drives for the exercise and recreation of the inhabitants of the neighbourhood. The provisions of the General Inclosure Acts, 1845 to 1871, relating to allotments for recreation
10 grounds shall extend to any allotment made under this section, and the soil therein may be vested in the churchwardens and overseers, local authority, or other trustees, or vested in some private person, as the whole or part of his allotment.

Allotment
for paths,
rides, and
drives.

Every such path, ride, or drive shall be a public highway main-
15 tainable by the parish, but it shall not be obligatory on the parish to keep the same in any other state than that in which it is left by the valuer.

10. Any person entitled to an allotment under any inclosure may, by writing under his hand, or, in the case of a body corporate
20 under the seal of such body corporate, addressed to the valuer, declare his wish that the allotment made to him, or any part thereof, should be at all times or at any specified time of the year used for exercise and recreation by the public, or be otherwise subject to any rights on the part of the public. If the
25 declaration is approved by the Commissioners, the valuer shall insert a declaration to the same effect in his award; and the public shall be entitled to such user and rights as may be specified in such declaration; and the allottee of the land to which such declaration relates, and all future owners thereof, shall hold the
30 same subject to the obligation of permitting the public to enjoy the said user and rights, and of preserving the surface of the land in such condition as allows of the enjoyment of such user and rights.

Dedication
to public of
rights over
allotment.

11. The following authorities, that is to say,

- 35 (1.) Any local authority, churchwardens and overseers, allotment wardens, or trustees, for the time being seised or having the management of any recreation ground or field garden ;
(2.) The local authority of any town, and the churchwardens and
40 overseers of any parish, in or in the neighbourhood of which any recreation ground allotted to a private person, as part or in full of his allotment, or any land subject to any

Making of
byelaws for
recreation
ground, &c.

A.D. 1871.

user or rights on the part of the public under any declaration as mentioned in this Act, is situate,

may from time to time frame byelaws for the management of such recreation ground, field garden, and land, or any one of them, and the prevention of nuisances and the preservation of order therein, 5 and may submit such byelaws to a Secretary of State, who may, if he think fit, approve the same, with or without any modifications; and such byelaws, when approved by the Secretary of State, shall be duly observed.

Such byelaws may impose penalties for the breach thereof, not 10 exceeding *five pounds*, recoverable summarily, and may provide for the exclusion and summary ejection from the field garden, recreation ground, or land to which the byelaws apply of persons acting in contravention of or failing to comply with such byelaws.

Where the soil of the recreation ground or land is vested in a 15 private person, such byelaws shall be submitted to the person in possession or receipt of the rents and profits of such land before they are submitted to the Secretary of State, and the Secretary of State shall hear and have regard to any objections or representations made by such person with respect to such byelaws, and no such 20 byelaws shall injuriously affect the interest of any such person in the said land.

Substitution
of allotments
in the case
of recreation
ground
and field
garden.
9 & 10 Vict.
c. 70. s. 4.

12. The provisions of section four of the General Inclosure Act, 1864, which authorise the Commissioners to allow an equal quantity of the land proposed to be inclosed to be allotted for the purpose of 25 a recreation ground or field garden, or for any other public purpose, in lieu of that directed to be allotted by any provisional order, shall extend to authorise them to allow the allotment of land of equal value as well as of land of equal quantity.

Trustees for
recreation
ground and
field garden.

13. All land allotted after the passing of this Act for a recreation 30 ground or field garden, or path, ride, or drive, may be allotted or conveyed to the local authority or local authorities of the town or towns comprising the population of the neighbourhood, or to trustees appointed as mentioned in this Act, and where the population of the neighbourhood or any part thereof is not comprised in a town 35 the churchwardens and overseers of the poor for the time being of the parish or parishes comprising such population shall be deemed to be a local authority for the purpose of this section.

Notwithstanding anything contained in the General Inclosure Acts, 1845 to 1871, the Charity Commissioners for England and 40 Wales may make such orders respecting any recreation ground and any field garden which may have been allotted under the said Acts,

A.D. 1871.

either before or after the passing of this Act, as they may make with respect to any other charity; and they may in particular make an order respecting the appointment or election of persons who are to be trustees of any recreation ground or field garden, and the management of such recreation ground or field garden, and the application of the rents and profits thereof. All local authorities to whom any land is so allotted, and all trustees and local authorities acting under any such order of the Charity Commissioners, shall, subject to the provisions of the order, have all the powers given by the General Inclosure Acts 1845 to 1871, to allotment wardens, or churchwardens and overseers; and in the construction of those Acts the term "allotment wardens" shall be construed to include such local authorities or trustees.

Any such order may be made on the application, as well of the Commissioners or any Assistant Commissioner or valuer acting under the said Acts, or any local authority in the neighbourhood, as of the persons authorised to make such application under the Charitable Trusts Acts, 1853 to 1869, and may be made at any time after the provisional order directing the appropriation of the recreation ground or field garden in question has been confirmed by Parliament.

All local authorities, churchwardens and overseers, and trustees, as the case may be, to whom any land has been, either before or after the passing of this Act, allotted or conveyed in pursuance of the General Inclosure Acts, 1845 to 1871, or any of them, for the purpose of a recreation ground or field garden, shall hold the same upon trust for those purposes respectively, and upon any change in such local authorities, churchwardens, and overseers, or trustees, the same shall be transferred to and vested in their successors, in perpetual succession, and shall be held by them in trust for the public.

Nothing in this section shall apply to any private person to whom a recreation ground has been allotted as the whole or part of his allotment or to any interest of such person or his successors in title in such recreation ground.

14. The valuer shall make a copy of such part of the map annexed to or certified to be referred to in any award as relates to any recreation ground, field garden, path, ride, or drive allotted upon such award, or to any allotment or part of an allotment of or over which the public have any user or rights in pursuance of any declaration as mentioned in this Act, and shall certify such copy to be a correct copy, and shall send the copy so certified to the Commissioners of Her

Map of
recreation
ground, field
garden, path,
ride, and
drive.

A.D. 1871. — Majesty's Works and Public Buildings, who shall cause the particulars contained in the same to be entered on the maps made in pursuance of the Survey (Great Britain) Acts, 1841 and 1870, and those maps shall at all times be evidence that the land therein specified as recreation ground, field garden, path, ride, or drive is for the time 5 being held as such in trust for the public, and that the public have such user of or rights over the allotment or part of an allotment therein specified.

Where a recreation ground, field garden, path, ride, or drive has been allotted to any person as the whole or part of his allotment, 10 or the allotment of any person, or any part thereof, is subject to any such declaration, nothing in this section shall be deemed to impair the legal right of such person, or his successors in title, without prejudice, nevertheless, to the obligation subject to which the land was allotted to such person, or to the obligation specified 15 in the declaration.

Regulated Pastures.

Application for inclosure as regulated pasture. See 8 & 9 Vict. c. 118. s. 113. 15. An application may be made for converting any land which is common or commonable land into a regulated pasture, to be stocked and depastured in common by the persons interested therein, in like manner as an application may be made for the inclosure 20 of such land; and all the provisions of the General Inclosure Acts, 1845 to 1871, shall apply, so far as is consistent with the tenor thereof, to the conversion of such land into regulated pasture, in like manner as they apply to an ordinary inclosure, and the provisional order shall specify that the land is to be converted into a regulated pasture. 25

Where any common or commonable land is converted into a regulated pasture under this section, the Commissioners may, by such provisional order, reserve to the public the right of using the whole of such regulated pasture for the purpose of exercise and recreation, and in that case need not appropriate for the purpose 30 of a recreation ground or field garden an allotment exceeding one half of the extent required by this Act to be so appropriated, but the whole of the allotment so made shall be appropriated for the purpose of a field garden.

Fencing of regulated pasture. 16. Where any common or commonable land is converted into a 35 regulated pasture, the same need not be fenced, but the boundaries thereof may be marked by metes and bounds.

If instructions are given to the valuer, in manner provided, with respect to instructions to the valuer, by the General Inclosure Act, 1845, and the Acts amending the same, to fence a regulated pasture, 40 he shall fence the same, and shall defray the expense thereof as part of the expenses of the inclosure.

17. The field reeves of any regulated pasture, whether formed before or after the passing of this Act, shall be deemed to be land-owners within the meaning of the Improvement of Land Act, 1864, and of any Act under which any company is authorised to advance money by way of loan for the permanent agricultural improvement of estates :

A.D. 1871.
Field reeves
to be land-
owners
under
27 & 28 Vict.
c. 114.

Provided that field reeves shall not exercise any powers under the said Acts, except in pursuance of instructions from time to time given for the purpose by a majority in value of such of the owners of the stints or rights of pasture in the said regulated pasture as may be present, by themselves or their agents authorised in this behalf, at a meeting summoned expressly for the purpose, in like manner as a meeting to fill a vacancy in the office of field reeve is summoned.

Suburban Commons.

18. A suburban common for the purposes of this Act means any land subject to be inclosed under the General Inclosure Acts, 1845 to 1871, which is not a Metropolitan Common within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, and is situate in the suburbs of any town, that is to say, is situate—

Definition of
suburban
common.

In or within one mile of any town comprising a population which exceeds *five thousand*; or,
In or within two miles of any town comprising a population which exceeds *ten thousand*; or,
In or within two miles and a half of any town comprising a population which exceeds *twenty thousand*; or,
In or within three miles of any town comprising a population which exceeds *fifty thousand*; or,
In or within five miles of any town comprising a population which exceeds *one hundred thousand*.

Where part only of any land subject to be inclosed is situate in the suburbs of a town as above mentioned, such part only shall be deemed to be a suburban common, and shall be deemed for the purposes of this Act to be a distinct common from the part which is not situate within the suburbs.

The population of a town for the purposes of this section shall be calculated according to the last published census for the time being, and the distances shall be measured in a direct line from the town hall (if any), or, if there is none, the principal church of the town to the boundary of the land subject to be inclosed.

A.D. 1871.

Local authority for common.

19. The local authority of every town in the suburbs of which a common is situate as above mentioned shall be a local authority for such common for the purposes of this Act; and when there is more than one such local authority for any suburban common, all or any of such local authorities may act under this Act in relation to such common. 5

Extension to suburban commons of 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.

20. The Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, shall apply to every suburban common in like manner as if those Acts were enacted in this Act, with the following alterations, namely, with the substitution therein of the words "suburban common" for the words "metropolitan common," and of the second schedule to this Act for the first schedule to the Metropolitan Commons Act, 1866, and with the omission therefrom of all reference to the Metropolis and the Metropolitan Board of Works. 10 15

The managing body acting under a scheme made under this Act with respect to a suburban common, in addition to any power they have under such scheme of making byelaws, shall have power to make byelaws under this Act with respect to such common in like manner as if they were a local authority, and such common were a recreation ground. 20

Determination of differences as to byelaws under scheme.

21. Where the managing body acting under a scheme made under this Act with respect to any suburban common make any byelaws or regulations with respect to such common, and any dispute arises between such managing body and any person claiming any estate, interest, or right in, over, or affecting such common with respect to the operation of such byelaws on such estate, interest, or right, such dispute shall be referred to and determined by the Commissioners, and the costs of such reference and determination shall be paid as directed by the Commissioners. 25 30

Provided that any person dissatisfied with any determination made by the Commissioners under this section may obtain a decision thereon in an action at law in the manner provided by section fifty-six of the General Inclosure Act, 1845, but subject to such decision the determination of the Commissioners shall be final. 35

Miscellaneous.

Certificate of Commissioners as to situation of town.

22. A certificate of the Commissioners as to the neighbourhood of any recreation ground or field garden, or as to a town or parish comprising the population of the neighbourhood of a common, or as to a common being situate in the suburbs of any town, shall be conclusive evidence of the fact for all the purposes of this Act; and 40

any question which may arise with respect to the situation of a town, parish, or common for the purposes of this Act shall be referred to the Commissioners. A.D. 1871.

23. All notices of meetings given by the Assistant Commissioner or the valuer shall be given, at least *fourteen* days before the meeting, by posting the same at every place in the neighbourhood where notices are usually posted, and also at one or more public places near to the land proposed to be inclosed, and also by the distribution of handbills, and by such other means as the Commissioners think sufficient for giving information of such meeting to all inhabitants of the neighbourhood :

Notices of meeting.
8 & 9 Vict.
c. 118. ss. 25.
and 45.

Every notice of a meeting given by the Assistant Commissioner shall specify, as one of the purposes of the meeting, the hearing of any information or evidence which may be offered in relation to the appropriation of a recreation ground and field garden by any person, whether entitled or not to an allotment.

24. After the expiration of the time for the delivery of claims and objections to claims, the valuer shall send to the office of the Commissioners a copy of all claims and objections to claims delivered to him, and the Commissioners on the receipt thereof shall fix and notify to the valuer the time and place of the meeting for the examination of those claims, and the valuer shall give notice of such meeting accordingly. The Commissioners may, if they think fit, refer all or any of such claims and objections to an Assistant Commissioner, who shall attend such meeting and sit as assessor to the valuer, in like manner as if he had been appointed under section thirty-five of the General Inclosure Act, 1845.

Hearing of claims by Assistant Commissioner.
8 & 9 Vict.
c. 118. ss. 35,
46, and 48.

25. All allotment wardens, local authorities, churchwardens and overseers, and trustees, who have the management of any recreation ground or field garden, whether allotted before or after the passing of this Act, shall once in every three years send to the Commissioners a report respecting the particulars mentioned in the third schedule to this Act, and such other particulars as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require.

Report from allotment wardens, trustees, &c. to Commissioners.

Where the recreation ground has been allotted to any person as the whole or part of his allotment, such person shall make a report to the Commissioners in respect of the particulars in that behalf mentioned in the said schedule.

40 The Commissioners shall from time to time supply forms for the purpose of making the above-mentioned reports, and any person who fails to make such report within two months after he has

A.D. 1871. — received such form shall be liable on summary conviction to a penalty not exceeding *five pounds*.

General
report of
Commis-
sioners.

26. The Commissioners shall specify in the annual general report of their proceedings such particulars as one of Her Majesty's Principal Secretaries of State may from time to time require, and in 5 particular the following matters; namely,

- (1.) The cases in which they have not allotted paths, rides, or drives, and their reasons for not allotting the same:
- (2.) A statement of the operation of the system of allotments for recreation grounds and field gardens as ascertained from 10 the reports obtained under this Act.

Repeal.

27. The Acts mentioned in the fourth schedule to this Act are hereby repealed to the extent in the third column mentioned.

Provided that the repeal enacted in this Act shall not affect—

- (1.) Anything duly done or suffered under any enactment hereby 15 repealed:
- (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed:
- (3.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering 20 any such right, privilege, or liability aforesaid.

FIRST SCHEDULE.

	Year and Chapter.	Title.	Short Title.
5	8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of inter-mixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	The General Inclosure Act, 1845.
10	9 & 10 Vict. c. 70.	An Act to amend the Act to facilitate the inclosure and improvement of commons.	The General Inclosure Act, 1846.
15	10 & 11 Vict. c. 111.	An Act to extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1847.
20	11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1848.
25	12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	The General Inclosure Act, 1849.
30	14 & 15 Vict. c. 53.	An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts.	The Inclosure, Copyhold, and Tithe Commissioners Act, 1851.
35	15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1852.
40	17 & 18 Vict. c. 97.	An Act to amend and extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1854.
	20 & 21 Vict. c. 31.	An Act to explain and amend the Inclosure Acts.	The General Inclosure Act, 1857.
45	22 & 23 Vict. c. 43.	An Act to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1859.
50	31 & 32 Vict. c. 89.	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land, and to make provision towards the expense of the Copyhold, Inclosure, and Tithe Office.	The Inclosure and Copyhold Tithe Expenses Act, 1868.

A.D. 1871.

SECOND SCHEDULE.

Town.	Local Authority.	Local Rate.
Any borough (1) which does not form part of a larger area within the jurisdiction of improvement commissioners (2) or a local board. (3)	The mayor, aldermen, and burgesses acting by the council.	The borough fund or the borough rate. 5
Any place which is not such a borough as aforesaid, and does not form part of a larger area within the jurisdiction of a local board, and is within the jurisdiction of improvement commissioners. (2)	The improvement commissioners.	Any rate leviable by the improvement commissioners or other funds applicable by them to the purposes of improving, cleansing, or paving the town. 10 15
Any place which is not included in either of the above districts, and is within the jurisdiction of a local board.	The local board -	The general district rate.

Notes.

20

In this schedule—

(1) The term “borough” means any place for the time being subject to the Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of “Municipal Corporations in England and Wales.”

25

(2) The term “improvement commissioners” means any commissioners, trustees, or other persons intrusted by a local Act with powers of improving, cleansing, or paving a town.

(3) The term “local board” means a board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, and the Acts amending the same, or one or more of such Acts.

30

A.D. 1871.

THIRD SCHEDULE.

RETURNS BY ALLOTMENT WARDENS, &c.

Returns are to be made by allotment wardens, local authorities, churchwardens and overseers, and trustees who have the management of any recreation ground or field garden, respecting the following particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require :

- 10 (1.) The names and occupation of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed :
- (2.) The extent and site of the allotment, and the date at which the same was made :
- 15 (3.) The condition of the surface of the recreation ground, and the mode in which it is used :
- (4.) The extent to which the allotment is used, and the reasons for its non-user (if any), and whether the demand for gardens is greater than the supply :
- (5.) The estimated number of the labouring poor of the neighbourhood :
- 20 (6.) The size of the field gardens let, and the cases in which the same are let in amounts of more than a quarter of an acre :
- (7.) The names and occupations of the tenants, and the mode of cultivation :
- (8.) The effect of the allotment for field gardens on the welfare of the tenants :
- 25 (9.) The accounts of receipts and expenditure.

RETURNS BY PRIVATE ALLOTTEES.

Returns are to be made by persons to whom a recreation ground has been allotted as the whole or part of their allotment, respecting the following particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require :

- 30 (1.) The names and occupations of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed :
- 35 (2.) The extent and site of the allotment, and the date at which the same was made :
- (3.) The condition of the surface of the recreation ground, and the mode in which it is used.

A.D. 1871.

FOURTH SCHEDULE.

Acts repealed.

Year and Chapter.	Title.	Extent of Repeal.
8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	Sects. thirty, thirty-one; 5 sect. seventy-three from the words "and shall be " in the first instance" down to the words "al- 10 " lotment under such in- " closure as hereafter " provided," both inclu- sive; and so much of sect. seventy-five as re- 15 lates to any allotment required by this Act to be made; and sect. one hundred and twelve.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	So much of section four- teen as relates to the 20 fencing of allotments made after the passing of this Act for the pur- pose of a recreation ground.

Inclosure Law Amendment.

A

B I L L

To amend the law relating to Inclosures
of Commons, and to provide for the
management of Commons situate near
towns.

(*Prepared and brought in by*
Mr. Shaw Lefevre and Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
14 February 1871.

[Bill 32.]

Under 3 oz.

Suburban Commons.

Clauses.

18. Definition of suburban common.
19. Local authority for common.
20. Extension to suburban commons of 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.
21. Determination of differences as to byelaws under scheme.
22. Power of local authority to purchase rights of common.
23. Provision against extinction of rights of common.
24. Definition of metropolitan common.
25. Consents to scheme.

Miscellaneous.

26. Certificate of Commissioners as to situation of town.
27. Notices of meeting. 8 & 9 Vict. c. 118. ss. 25 and 45.
28. Hearing of claims by Assistant Commissioner. 8 & 9 Vict. c. 118. ss. 35, 46, and 48.
29. Report from allotment wardens, trustees, &c. to Commissioners.
30. General report of Commissioners.
31. Repeal.
32. Orders made under clause 13 to be included in general report.
33. Regulations as to meetings.
34. Managers under scheme for suburban common.
35. Private Act regulating suburban common.
36. Byelaws as to military drill.
37. Saving of certain commonable lands.

SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the law relating to Inclosures of Commons, and to A.D. 1871.
provide for the management of Commons situate near
towns. —

WHEREAS it is expedient to make better provision for securing
allotments for recreation and for the labouring poor upon
the inclosure of any land, and to provide for the management of
commons situate near towns, and otherwise to amend the law relating
5 to the inclosure of commons :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in' this present Parliament assembled, and by the
authority of the same, as follows :

10

Preliminary.

1. This Act shall be construed as one with the Acts mentioned in
the first schedule to this Act; and those Acts, together with this
Act, may be cited as the General Inclosure Acts, 1845 to 1871, and
each of the said Acts may be cited by the short title in the said
15 schedule mentioned, and this Act may be cited as the General
Inclosure Act, 1871.

Construc-
tion and
short title.

2. In this Act, unless the context otherwise requires,—
The term “common ” means any land consisting of waste land of
any manor on which the tenants of such manor have rights of
20 common, or of any land subject to any rights of common which
may be exercised at all times of the year for cattle levant and
couchant, or to any rights of common which may be exercised
at all times of the year, and are not limited by number or stints :
The term “commonable land ” means all land which is not
25 common, as before defined, and is subject to be inclosed under
the General Inclosure Acts, 1845 to 1871 :

Definitions.

The term “neighbourhood ” means the whole area of any land
comprised in a provisional order respecting the inclosure

[Bill 212.]

A 2

A.D. 1871.

thereof, and of the parish or parishes in which any part of such land is situate, and every place situate within two miles of the boundary of such land :

The term "recreation ground" means a ground applicable or used for the purposes of exercise and recreation of the inhabitants of the neighbourhood :

The term "field garden" means a field applicable for being let to the labouring poor, whether agricultural or not, of the neighbourhood :

The term "person" includes body corporate : 10

The terms "town," "local authority," and "local rate" mean respectively the town, local authority, and local rate mentioned in the second schedule to this Act.

Allotments for Recreation Grounds and Field Gardens.

Allotments
for recrea-
tion grounds
and field
gardens out
of common.
See 8 & 9
Vict. c. 118.
ss. 30, 31.

3. Where the land proposed to be inclosed, or any part thereof, consists of common, the Commissioners shall require, and in their provisional order relating to such land specify, as one of the terms and conditions of the inclosure thereof, the appropriation free of all charge for the purpose of a recreation ground or recreation grounds, or a field garden or field gardens, or partly for one purpose and partly for the other, of an allotment not less in extent than one tenth part of the whole of such common; and whenever the common proposed to be inclosed shall exceed five hundred acres, it shall be open to the Commissioners to make such allotment as they shall think fit, having regard to the special circumstances of the neighbourhood, provided only, that no such allotment shall be more than one tenth of the common, nor of less extent than fifty acres. 15 20 25

Allotment
for recrea-
tion ground
out of com-
monable
lands.

4. Where the inhabitants of the neighbourhood have been in the habit of using any commonable land at any time of the year for the purposes of exercise and recreation, and such commonable land is proposed to be inclosed, the Commissioners shall, in their provisional order relating to such land, specify, as one of the terms and conditions of the inclosure thereof, the appropriation free of all charge of an allotment for a recreation ground. 30 35

An allotment under the provisions of this section shall bear the same proportion in extent to the allotment which would have been made out of the commonable land proposed to be inclosed if such land had been common as the portion of the year during which the public used such land bears to the whole year. 40

5. Where any land proposed to be inclosed consists partly of common and partly of commonable land, the Commissioners, if satisfied that it would be more advantageous for the population of the neighbourhood that the allotment for a recreation ground or a field garden or any part thereof should be made out of the commonable land instead of out of the common, or out of the common instead of out of the commonable land, shall, in the provisional order relating to such land, specify as one of the terms and conditions of the inclosure thereof that the said allotments or some part thereof shall be made accordingly out of the commonable land or common, as the case may be, and shall cause an equivalent out of the common or commonable land (as the case may be) to be allotted by way of exchange to the persons interested in the commonable land or common.
6. Where an allotment is made for a field garden, the valuer shall, unless the Commissioners think it inexpedient so to do, cause the same to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section shall be paid by the valuer in the first instance as part of the general expenses of the inclosure, but, in order to pay those expenses, a portion of the said allotment, equal in value to the amount of the said expenses, shall either be sold or shall be allotted together with the rest of the land to be inclosed among the persons interested in the inclosure.
- The provisions of this section shall apply, mutatis mutandis, to the case of an allotment for a recreation ground, whether made to a public body or to a private person, but the Commissioners may, by order, direct that an allotment for a recreation ground shall not be cleared or levelled, and shall be distinguished by metes and bounds, and not fenced.
7. The allotment wardens may from time to time let the allotment under their management, whether made before or after the passing of this Act, in gardens not exceeding one quarter of an acre each to poor inhabitants of the neighbourhood, whether agricultural or not, in manner directed by the General Inclosure Act, 1845 :
- Provided that—
- (1.) In the case of any allotment made after the passing of this Act, the allotment wardens, if so directed by the provisional order, shall, and if not so directed may, keep or convert the allotment or any part thereof in or into pasture, and allow the same to be used as a recreation ground, and may let the herbage of such pasture, or the

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Situation, &c.
of allotment
for recreation
ground
and field
garden.
8 & 9 Vict.
c. 118. s. 74.

Expense of
clearing,
draining,
and fencing
allotment for
recreation
ground and
field garden.

Letting of
field gardens
to poor in-
habitants.
See 8 & 9
Vict. c. 118.
s. 109.

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right of turning out on such pasture horses, cattle, sheep, pigs, geese, or other animals to poor inhabitants of the neighbourhood; and the provisions of the General Inclosure Act, 1845, and this Act with respect to the letting of field gardens shall, so far as applicable, apply to the 5 letting of any such herbage or right :

- (2.) Where the whole of the allotment is not required for poor inhabitants, the amount let to any one poor inhabitant may exceed one quarter of an acre :
- (3.) If any portion of the allotment is not required for poor inhabi- 10
tants of the neighbourhood, after such allotment has been offered to such inhabitants at such rent as is herein-after provided, and been refused by them, such portion may be let to any person whatever at the best annual rent which can be obtained for the same, without any premium or 15
fine, and on such terms as may enable the allotment wardens to resume possession thereof within a period not exceeding twelve months, if the same should at any time be required for such poor inhabitants as aforesaid :
- (4.) In the case of any allotment made to any poor inhabitant 20
after the passing of this Act, the rent at which the same, or any part thereof, is let shall not exceed the full yearly value thereof for farming purposes, according to the valuation made in manner directed by the General Inclosure Act, 1845. 25

Section one hundred and ten of the General Inclosure Act, 1845, (which relates to the recovery of such gardens on the nonpayment of rent,) shall be construed as if "residing out of the neighbourhood" were therein substituted for "residing more than one mile out of the parish;" and where any part of the said allotment is let under the 30 provisions of this section to any tenant who is not a poor inhabitant, the allotment wardens may agree with such person that the said section one hundred and ten shall not apply to such tenancy.

Application
of rents of
field gardens.

8. All rents payable by the tenants of an allotment for a field garden, made either before or after the passing of this Act, shall be 35 payable to the allotment wardens; and such wardens shall, if the legal estate is not vested in them, have the same remedies for the recovery thereof, by distress and otherwise, as if the legal estate in such field garden were vested in them.

The rents shall be applied by the wardens in payment, in the first 40 . place, of all rates, taxes, tithes, and rentcharges which may be payable in respect of the field garden, and of all expenses incurred

by the allotment wardens in the execution of their duties under the General Inclosure Acts, 1845 to 1871; and the residue shall be

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employed in improving that or any other field garden in the same neighbourhood, or maintaining the drainage and fencing, or in the purchase or conveyance of manure for the use thereof, or in hiring or purchasing additional land for a field garden, and when such purposes shall have been as far as possible complied with, then to the improvement or maintenance of any paths, rides, or drives set out under clause nine of this Act, and to no other purpose.

- 10 The provisions of this section shall apply, *mutatis mutandis*, to any allotment for a recreation ground which may be vested in any local authority or any churchwardens and overseers or any trustees for the public.

See
8 & 9 Vict.
c. 118. s. 73.

9. The Commissioners may in their provisional order relating to any common proposed to be inclosed specify that one of the terms and conditions of the inclosure thereof is the appropriation, in addition to the recreation ground required by this Act to be allotted, of paths or rides or drives for the exercise and recreation of the inhabitants of the neighbourhood. The provisions of the General Inclosure Acts, 1845 to 1871, relating to allotments for recreation grounds shall extend to any allotment made under this section, and the soil therein may be vested in the churchwardens and overseers, local authority, or other trustees, but it shall not be obligatory on the parish to repair such rides, paths, or drives.

Allotment
for paths,
rides, and
drives.

10. Any person to whom any land is allotted under any inclosure may, by writing under his hand, or, in the case of a body corporate under the seal of such body corporate, addressed to the valuer, declare his wish that the allotment made to him, or any part thereof, should be at all times or at any specified time of the year used for exercise and recreation by the public, or be otherwise subject to any rights on the part of the public. If the declaration is approved by the Commissioners, the valuer shall insert a declaration to the same effect in his award, and shall reserve a proper access to the allotment accordingly; and the public shall be entitled to such user and rights as may be specified in such declaration; and the allottee of the land to which such declaration relates, and all future owners thereof, shall hold the same subject to the obligation of permitting the public to enjoy the said user and rights, and of preserving the surface of the land in such condition as allows of the enjoyment of such user and rights.

Dedication
to public of
rights over
allotment.

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Making of
byelaws for
recreation
ground, &c.

11. The following authorities, that is to say,

- (1.) Any local authority, churchwardens and overseers, allotment wardens, or trustees, for the time being seised or having the management of any recreation ground or field garden ;
- (2.) The local authority of any town, and the churchwardens and overseers of any parish, in or in the neighbourhood of which any recreation ground allotted to a private person, as part or in full of his allotment, or any land subject to any user or rights on the part of the public under any declaration as mentioned in this Act, is situate,

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may from time to time frame byelaws for the management of such recreation ground, field garden, and land, or any one of them, and the prevention of nuisances and the preservation of order therein, and may submit such byelaws to a Secretary of State, who may, if he think fit, approve the same, with or without any modifications ; and such byelaws, when approved by the Secretary of State, shall be duly observed.

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Such byelaws may impose penalties for the breach thereof, not exceeding five pounds, recoverable summarily, and may provide for the exclusion and summary ejection from the field garden, recreation ground, or land to which the byelaws apply of persons acting in contravention of or failing to comply with such byelaws.

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Where the soil of the recreation ground or land is vested in a private person, such byelaws shall be submitted to the person in possession or receipt of the rents and profits of such land before they are submitted to the Secretary of State, and the Secretary of State shall hear and have regard to any objections or representations made by such person with respect to such byelaws, and no such byelaws shall injuriously affect the interest of any such person in the said land.

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Substitution
of allotments
in the case
of recreation
ground
and field
garden.
9 & 10 Vict.
c. 70. s. 4.

12. The provisions of section four of the General Inclosure Act, 1846, which authorise the Commissioners to allow an equal quantity of the land proposed to be inclosed to be allotted for the purpose of a recreation ground or field garden, or for any other public purpose, in lieu of that directed to be allotted by any provisional order, shall extend to authorise them to allow the allotment of land of equal value as well as of land of equal quantity.

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Trustees for
recreation
ground and
field garden.

13. All land allotted after the passing of this Act for a recreation ground or field garden, or path, ride, or drive, may be allotted or conveyed to the local authority or local authorities of the town or towns comprising the population of the neighbourhood, or to trustees

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appointed as mentioned in this Act, and where the population of the neighbourhood or any part thereof is not comprised in a town the churchwardens and overseers of the poor for the time being of the parish or parishes comprising such population shall be deemed to be a local authority for the purpose of this section. A.D. 1871.

Notwithstanding anything contained in the General Inclosure Acts, 1845 to 1871, the Inclosure Commissioners may make such orders respecting any recreation ground and any field garden which may have been allotted under the said Acts, either before or after the passing of this Act, as the Charity Commissioners for England and Wales may make with respect to any charity; and they may in particular make an order respecting the appointment or election of persons who are to be trustees of any recreation ground or field garden, and the management of such recreation ground or field garden, and the application of the rents and profits thereof. All local authorities to whom any land is so allotted, and all trustees and local authorities acting under any such order of the Commissioners, shall, subject to the provisions of the order, have all the powers given by the General Inclosure Acts 1845 to 1871, to allotment wardens, or churchwardens and overseers; and in the construction of those Acts the term "allotment wardens" shall be construed to include such local authorities or trustees.

Any such order may be made on the application of any Assistant Commissioner, or any local authority in the neighbourhood, or of any two inhabitants of the neighbourhood, and may be made at any time after the provisional order directing the appropriation of the recreation ground or field garden in question has been confirmed by Parliament.

All local authorities, churchwardens and overseers, and trustees, as the case may be, to whom any land has been, either before or after the passing of this Act, allotted or conveyed in pursuance of the General Inclosure Acts, 1845 to 1871, or any of them, for the purpose of a recreation ground or field garden, shall hold the same upon trust for those purposes respectively, and upon any change in such local authorities, churchwardens, and overseers, or trustees, the same shall be transferred to and vested in their successors, in perpetual succession, and shall be held by them in trust for the public.

Where the soil of the recreation ground or land is vested in a private person, such order shall be submitted to the person in possession or receipt of the rents and profits of such land, and the Commissioners shall hear and have regard to any objections or

A.D. 1871. — representations made by such person with respect to such order, and no such order shall injuriously affect the interest of any such person in the said land.

Map of recreation ground, field garden, path, ride, and drive.

14. The valuer shall make a copy of such part of the map annexed to or certified to be referred to in any award as relates to any recreation ground, field garden, path, ride, or drive allotted upon such award, or to any allotment or part of an allotment of or over which the public have any user or rights in pursuance of any declaration as mentioned in this Act, and shall certify such copy to be a correct copy, and shall send the copy so certified to the Commissioners of Her Majesty's Works and Public Buildings, who shall cause the particulars contained in the same to be entered on the maps made in pursuance of the Survey (Great Britain) Acts, 1841 and 1870, and those maps shall at all times be evidence that the land therein specified as recreation ground, field garden, path, ride, or drive is for the time being held as such in trust for the inhabitants of the neighbourhood, and that the said inhabitants have such user of or rights over the allotment or part of an allotment therein specified.

Where a recreation ground, field garden, path, ride, or drive has been allotted to any person as the whole or part of his allotment, or the allotment of any person, or any part thereof, is subject to any such declaration, nothing in this section shall be deemed to impair the legal right of such person, or his successors in title, without prejudice, nevertheless, to the obligation subject to which the land was allotted to such person, or to the obligation specified in the declaration.

Regulated Pastures.

Application for inclosure as regulated pasture. See 8 & 9 Vict. c. 118, s. 113.

15. An application may be made for converting any land which is common or commonable land into a regulated pasture, to be stocked and depastured in common by the persons interested therein, in like manner as an application may be made for the inclosure of such land; and all the provisions of the General Inclosure Acts, 1845 to 1871, shall apply, so far as is consistent with the tenor thereof, to the conversion of such land into regulated pasture, in like manner as they apply to an ordinary inclosure, and the provisional order shall specify that the land is to be converted into a regulated pasture.

Where any common or commonable land is converted into a regulated pasture under this section, the Commissioners shall, by such provisional order, reserve to the public the right of using the whole of such regulated pasture for the purpose of exercise and

recreation, and in that case need not appropriate for the purpose of a recreation ground or field garden an allotment exceeding one half of the extent required by this Act to be so appropriated, but the whole of the allotment so made shall be appropriated for the purpose of a field garden.

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16. Where any common or commonable land is converted into a regulated pasture, the same need not be fenced, but the boundaries thereof may be marked by metes and bounds.

Fencing of regulated pasture.

If instructions are given to the valuer, in manner provided, with respect to instructions to the valuer, by the General Inclosure Act, 1845, and the Acts amending the same, to fence a regulated pasture, he shall fence the same, and shall defray the expense thereof as part of the expenses of the inclosure.

17. The field reeves of any regulated pasture, whether formed before or after the passing of this Act, shall be deemed to be land-owners within the meaning of the Improvement of Land Act, 1864, and of any Act under which any company is authorised to advance money by way of loan for the permanent agricultural improvement of estates :

Field reeves to be land-owners under 27 & 28 Vict. c. 114.

Provided that field reeves shall not exercise any powers under the said Acts, except in pursuance of instructions from time to time given for the purpose by a majority in value of such of the owners of the stints or rights of pasture in the said regulated pasture as may be present, by themselves or their agents authorised in this behalf, at a meeting summoned expressly for the purpose, in like manner as a meeting to fill a vacancy in the office of field reeve is summoned.

Suburban Commons.

18. A suburban common for the purposes of this Act means any land subject to be inclosed under the General Inclosure Acts, 1845 to 1871, which is not a Metropolitan Common within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, and is situate in the suburbs of any town, that is to say, is situate—

Definition of suburban common.

- In or within one mile of any town comprising a population which exceeds five thousand ; or,
- In or within two miles of any town comprising a population which exceeds ten thousand ; or,
- In or within three miles of any town comprising a population which exceeds twenty thousand ; or,
- In or within four miles of any town comprising a population which exceeds fifty thousand ; or,

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In or within five miles of any town comprising a population which exceeds one hundred thousand ; or,

In or within six miles of any town comprising a population which exceeds two hundred thousand.

Where part only of any land subject to be inclosed is situate 5 in the suburbs of a town as above mentioned, such part only shall be deemed to be a suburban common, and shall be deemed for the purposes of this Act to be a distinct common from the part which is not situate within the suburbs.

The population of a town for the purposes of this section shall 10 be calculated according to the last published census for the time being, and the distances shall be measured in a direct line from the town hall (if any), or, if there is none, the principal church of the town to the boundary of the land subject to be inclosed.

Local authority for common.

19. The local authority of every town in the suburbs of which 15 a common is situate as above mentioned shall be a local authority for such common for the purposes of this Act ; and when there is more than one such local authority for any suburban common, all or any of such local authorities may act under this Act in relation to such common. 20

Extension to suburban commons of 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.

20. The Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, shall apply to every suburban common in like manner as if those Acts were enacted in this Act, with the following alterations, namely, with the substitution 25 therein of the words "suburban common" for the words "metropolitan common," and of the second schedule to this Act for the first schedule to the Metropolitan Commons Act, 1866, and with the omission therefrom of all reference to the Metropolis and the Metropolitan Board of Works.

The managing body acting under a scheme made under this Act 30 with respect to a suburban common, in addition to any power they have under such scheme of making byelaws, shall have power to make byelaws under this Act with respect to such common in like manner as if they were a local authority, and such common were a recreation ground. 35

Determination of differences as to byelaws under scheme.

21. Where the managing body acting under a scheme made under this Act with respect to any suburban common make any byelaws or regulations with respect to such common, and any dispute arises between such managing body and any person claiming any estate, interest, or right in, over, or affecting such common with respect 40 to the operation of such byelaws on such estate, interest, or right, such dispute shall be referred to and determined by the Commis-

sioners, and the costs of such reference and determination shall be paid as directed by the Commissioners. A.D. 1871.

Provided that any person dissatisfied with any determination made by the Commissioners under this section may obtain a decision thereon in an action at law in the manner provided by section fifty-six of the General Inclosure Act, 1845, but subject to such decision the determination of the Commissioners shall be final.

22. The local authority for any suburban common or any metropolitan common may purchase out of the local rate any right of common over such common, and hold the same in gross with a view the more effectually to bring forward, or assist in bringing forward, an efficient scheme for the maintenance and improvement of any such common. Power of local authority to purchase rights of common.

23. Where any land comprised in any scheme made with reference to any suburban common or metropolitan common is subject at the date of the making of the scheme to a right of common, and such right has not been acquired by the local authority by purchase, gift, or otherwise, the managing body of the common under such scheme shall be deemed to be trustees of the right for the benefit of the person or persons entitled thereto, and such right shall not be extinguished or deemed to be abandoned during such time as the scheme continues in force; nevertheless, the managing body of the common, notwithstanding they are trustees of a right of common, may at any time purchase the same, and hold it in gross, with a view to the maintenance and improvement of the common on which such rights exist and the furtherance of the objects of the scheme. Provision against extinction of rights of common.

24. In this Act, the term metropolitan common means a metropolitan common, within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, and a scheme with reference to a metropolitan common or suburban common means a scheme under the last-mentioned Acts, as applied and amended by this Act. Definition of metropolitan common.

25. The owner of any estate, interest, or right in, over, or affecting a common may, in writing under his hand, consent to a scheme in relation to any suburban common or metropolitan common, and the fact of such consent shall be stated in the scheme, and thereupon such consenting owner shall, in the event of the scheme being confirmed by Parliament, be precluded from claiming any estate, right, or interest, or doing any act or thing adverse to or in contravention of such scheme. Consents to scheme.

A.D. 1871. The consent of a tenant for life, or tenant in fee tail, of any such estate, right, or interest as aforesaid, shall be binding on all persons claiming any estate, right, or interest subsequent to that of such tenant for life or tenant in fee tail: Provided, that the fact of the consenting owner being tenant for life or tenant in fee tail is 5 stated in the scheme, and that the scheme containing such statement is confirmed by Parliament.

Miscellaneous.

Certificate
of Commis-
sioners as to
situation of
town.

26. A certificate of the Commissioners as to the neighbourhood of any recreation ground or field garden, or as to a town or parish 10 comprising the population of the neighbourhood of a common, or as to a common being situate in the suburbs of any town, shall be conclusive evidence of the fact for all the purposes of this Act; and any question which may arise with respect to the situation of a town, parish, or common for the purposes of this Act shall be 15 referred to the Commissioners.

Notices of
meeting.
8 & 9 Vict.
c. 118, ss. 25,
and 45.

27. All notices of meetings given by the Assistant Commissioner or the valuer shall be given, at least fourteen days before the meeting, by posting the same at every place in the neighbourhood where notices are usually posted, and also at one or 20 more public places near to the land proposed to be inclosed, and also by the distribution of handbills, and by such other means as the Commissioners think sufficient for giving information of such meeting to all inhabitants of the neighbourhood:

Every notice of a meeting given by the Assistant Commissioner 25 shall specify, among the purposes of the meeting, the hearing of any information or evidence which may be offered in relation to the expediency of the proposed inclosure, and also the appropriation of a recreation ground and field garden by any person, whether entitled 30 or not to an allotment.

Hearing of
claims by
Assistant
Commis-
sioner.

8 & 9 Vict.
c. 118, ss. 35,
46, and 48.

28. After the expiration of the time for the delivery of claims and objections to claims, the valuer shall send to the office of the Commissioners a copy of all claims and objections to claims delivered to him, and the Commissioners on the receipt thereof shall fix and notify to the valuer the time and place of the meeting for the 35 examination of those claims, and the valuer shall give notice of such meeting accordingly. The Commissioners may, if they think fit, refer all or any of such claims and objections to an Assistant Commissioner, who shall attend such meeting and sit as assessor to the valuer, in like manner as if he had been appointed under section 40 thirty-five of the General Inclosure Act, 1845.

29. All allotment wardens, local authorities, churchwardens and overseers, and trustees, who have the management of any recreation ground or field garden, whether allotted before or after the passing of this Act, shall present an account of their receipts and disbursements to be examined by the annual Easter vestry of the parish in which such land is situated, and shall once in every three years send to the Commissioners a report respecting the particulars mentioned in the third schedule to this Act, and such other particulars as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require.

A.D. 1871.
Report from
allotment
wardens,
trustees, &c.
to Commis-
sioners.

Where the recreation ground has been allotted to any person as the whole or part of his allotment, such person shall make a report to the Commissioners in respect of the particulars in that behalf mentioned in the said schedule.

15 The Commissioners shall from time to time supply forms for the purpose of making the above-mentioned reports, and any person who fails to make such report within two months after he has received such form shall be liable on summary conviction to a penalty not exceeding five pounds.

20 **30.** The Commissioners shall specify in the annual general report of their proceedings such particulars as one of Her Majesty's Principal Secretaries of State may from time to time require, and in particular the following matters; namely,

General
report of
Commis-
sioners.

25 (1.) The cases in which they have not allotted paths, rides, or drives, and their reasons for not allotting the same:

(2.) A statement of the operation of the system of allotments for recreation grounds and field gardens as ascertained from the reports obtained under this Act.

30 **31.** The Acts mentioned in the fourth schedule to this Act are hereby repealed to the extent in the third column mentioned.

Provided that the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed:

35 (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed:

(3.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such right, privilege, or liability aforesaid.

40 **32.** Any order made by the Commissioners under clause thirteen shall be included in the annual general report of the proceedings of the Commissioners.

Orders made
under clause
13 to be
included in
general
report.

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Regulations
as to meet-
ings.

33. Where any common is situate in more than one parish, and the assistant commissioner or the valuer hold meetings with reference to such common, separate meetings shall be held in each of such parishes.

All meetings held by the assistant commissioner or the valuer in the case of any common shall be held at such time and place as may appear to the assistant commissioner or valuer, as the case may be, to be most convenient for the commoners and inhabitants of the neighbourhood of such common.

The assistant commissioner and the valuer shall report to the Commissioners the proceedings at all meetings respectively held by them, in such form and with such particulars as the Commissioners may from time to time direct.

Managers
underscheme
for suburban
common.

34. Where a scheme is made under this Act with respect to a suburban common the managing body of such common may, if the scheme so determine, be some body other than the local authority or local authorities for such common.

Private Act
regulating
suburban
common.

35. Nothing in this Act shall authorise the making of any scheme with respect to any suburban common which is for the time being regulated under any Act of Parliament applying specially to such common.

Byelaws as
to military
drill.

36. No byelaw made by the managing body acting under any scheme made under this Act with respect to a suburban common shall be of any force to prevent the drill or exercise on such common of the army, militia, volunteers, or any other of Her Majesty's forces, until such byelaw has received the sanction of one of Her Majesty's Principal Secretaries of State.

Saving of
certain com-
monable
lands.

37. Commonable lands which the public have not been in the habit of using, at any time of the year, for the purposes of exercise and recreation, shall not be deemed to be included in the term "suburban common" in this Act.

FIRST SCHEDULE.

Year and Chapter.	Title.	Short Title.
5 10 8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	The General Inclosure Act, 1845.
15 9 & 10 Vict. c. 70.	An Act to amend the Act to facilitate the inclosure and improvement of commons.	The General Inclosure Act, 1846.
10 & 11 Vict. c. 111.	An Act to extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1847.
20 11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	The General Inclosure Act, 1848.
25 12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	The General Inclosure Act, 1849.
30 14 & 15 Vict. c. 53.	An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts.	The Inclosure, Copyhold, and Tithe Commissioners Act, 1851.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1852.
35 17 & 18 Vict. c. 97.	An Act to amend and extend the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1854.
20 & 21 Vict. c. 31.	An Act to explain and amend the Inclosure Acts.	The General Inclosure Act, 1857.
40 22 & 23 Vict. c. 43.	An Act to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land.	The General Inclosure Act, 1859.
45 31 & 32 Vict. c. 89.	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land, and to make provision towards the expense of the Copyhold, Inclosure, and Tithe Office.	The Inclosure and Copyhold Tithe Expenses Act, 1868.
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SECOND SCHEDULE.

Town.	Local Authority.	Local Rate.
Any borough (1) which does not form part of a larger area within the jurisdiction of improvement commissioners (2) or a local board. (3)	The mayor, aldermen, and burgesses acting by the council.	The borough fund or the borough rate. 5
Any place which is not such a borough as aforesaid, and does not form part of a larger area within the jurisdiction of a local board, and is within the jurisdiction of improvement commissioners. (2)	The improvement commissioners.	Any rate leviable by the improvement commissioners or other funds applicable by them to the purposes of improving, cleansing, or paving the town. 10 15
Any place which is not included in either of the above districts, and is within the jurisdiction of a local board.	The local board -	The general district rate.

Notes.

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- In this schedule—
- (1) The term “borough” means any place for the time being subject to the Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of “Municipal Corporations in England and Wales.” 25
- (2) The term “improvement commissioners” means any commissioners, trustees, or other persons intrusted by a local Act with powers of improving, cleansing, or paving a town.
- (3) The term “local board” means a board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, and the Acts amending the same, or one or more of such Acts. 30

THIRD SCHEDULE.

RETURNS BY ALLOTMENT WARDENS, &c.

Returns are to be made by allotment wardens, local authorities, churchwardens and overseers, and trustees who have the management of any recreation ground or field garden, respecting the following particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require:

- 10 (1.) The names and occupation of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed:
- (2.) The extent and site of the allotment, and the date at which the same was made:
- 15 (3.) The condition of the surface of the recreation ground, and the mode in which it is used:
- (4.) The extent to which the allotment is used, and the reasons for its non-user (if any), and whether the demand for gardens is greater than the supply:
- 20 (5.) The estimated number of the labouring poor of the neighbourhood:
- (6.) The size of the field gardens let, and the cases in which the same are let in amounts of more than a quarter of an acre:
- (7.) The names and occupations of the tenants, and the mode of cultivation:
- (8.) The effect of the allotment for field gardens on the welfare of the tenants:
- 25 (9.) The accounts of receipts and expenditure.

RETURNS BY PRIVATE ALLOTTEES.

Returns are to be made by persons to whom a recreation ground has been allotted as the whole or part of their allotment, respecting the following particulars, or such of them as the Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, may from time to time require:

- 30 (1.) The names and occupations of the persons making the report, and the capacity in which they make the report, and a statement whether the allotment wardens or trustees have been regularly from time to time appointed:
- 35 (2.) The extent and site of the allotment, and the date at which the same was made:
- (3.) The condition of the surface of the recreation ground, and the mode in which it is used.

A.D. 1871.

FOURTH SCHEDULE.

Acts repealed.

Year and Chapter.	Title.	Extent of Repeal.
8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	Sects. thirty, thirty-one; sect. seventy-three from the words "and shall be" in the first instance" down to the words "allotment under such inclosure as hereafter provided," both inclusive; and so much of sect. seventy-five as relates to any allotment required by this Act to be made; and sect. one hundred and twelve. 5 10 15
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	So much of section fourteen as relates to the fencing of allotments made after the passing of this Act for the purpose of a recreation ground. 20

Inclosure Law Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the law relating to Inclosures
of Commons, and to provide for the
management of Commons situate near
tOWNS.

(*Prepared and brought in by*
Mr. Shaw Lefevre and Mr. Secretary Bruce.)

Ordered, by The House of Commons, to be Printed,
23 June 1871.

[Bill 212.]

Under 3 oz.

A
B I L L

TO

Grant Duties of Income Tax, and to amend the Acts relating A.D. 1871
to Duties on Inhabited Houses.

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to
5 defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Income Tax and Inhabited Short title.
House Duty Act, 1871."

15 2. There shall be charged, collected, and paid for one year commencing on the sixth day of April one thousand eight hundred and seventy-one, in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four,
20 the following duties of income tax; (that is to say,) Grant of duties of income tax.

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B.) of the said Act), the duty of *sixpence*;

And in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said
25 Act, for every twenty shillings of the annual value thereof,

In England, the duty of *threepence*; and

In Scotland and Ireland respectively, the duty of *twopence farthing*;

[Bill 126.]

A.D. 1871. Subject to the provisions contained in section three of the Act passed in the twenty-sixth and twenty-seventh years of Her Majesty's reign, chapter twenty-two, for the exemption of persons whose whole income from every source is under one hundred pounds a year, and relief of those whose income is under two hundred pounds a year. 5

Provisions of income tax Acts to apply to duties hereby granted. 3. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-one shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act, and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act passed in the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-one. 10 15

Provisions as to assessment of income tax under Schedules (A.) and (B.) and of inhabited house duty. 4. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.), and of the duties on inhabited houses for the year commencing on the sixth day of April one thousand eight hundred and seventy-one, the following provisions shall have effect : 20

(1.) The provisions contained in section eighty-seven of the Act passed in the fifth and sixth years of Her Majesty's reign, chapter thirty-five, in relation to the variation or alteration of assessments of duties of income tax, shall extend to the duties on inhabited houses : 25

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, shall be taken as the annual value of such property, or of such inhabited house, and the duties of income tax granted by this Act and the duty on inhabited houses shall be assessed and charged according to the said sums respectively : 30 35

(3.) The Commissioners executing the Acts relating to the duties of income tax and the duties on inhabited houses shall, for each place within their several districts, cause duplicates of the assessments of the said duties assessed and charged as aforesaid to be made out and delivered to the collectors, together with the warrants for collecting the same : 40

A.D. 1871.

5 (4.) In England the said Commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they shall think fit, to be collectors of the duties therein mentioned, in like manner as if such persons had been presented to them by assessors under the Acts now in force :

10 (5.) Assessments shall be subject to be increased in like manner as the assessments made for the year which commenced on the sixth day of April one thousand eight hundred and seventy, and to be abated or discharged at the end of the year commencing on the sixth day of April one thousand eight hundred and seventy-one, for any cause allowed by the said Acts :

15 (6.) Whenever it shall appear that any property chargeable under the said Schedules (A.) and (B.), or any inhabited house chargeable under the said Act of the fourteenth and fifteenth Victoria, chapter thirty-six, has not been assessed, such property or inhabited house shall be assessed under the provisions of the said Acts :

20 Provided, that this section shall not apply to property included in any valuation list in force under "The Valuation (Metropolis) Act, 1869."

5. No assessors shall be appointed for the duties payable under Schedules (A.) and (B.), nor for the duties on inhabited houses, but
25 the inspectors or surveyors of taxes shall be the assessors in respect of such duties wherever and whenever it may be necessary to make assessments, and in lieu of the poundage granted by the several Acts in that behalf to be divided between the assessors and collectors in regard to the duties, there shall be paid a poundage of three-half-
30 pence to the collectors of the said duties.

No assessors
to be ap-
pointed.

Income Tax and Inhabited House Duties.

A

B I L L

To grant Duties of Income Tax, and to
amend the Acts relating to Duties on
inhabited Houses.

*(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Baxter.)*

*Ordered, by The House of Commons, to be Printed,
4 May 1871.*

[Bill 126.]

Under 1 oz.

A
B I L L

TO

Make provision for the Assessment of Income Tax.

A.D. 1871.

WHEREAS in order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing the sixth day of April one thousand eight hundred and seventy-one it is expedient that the provisions of the Income Tax Acts relating to assessment should be applied to such duties before the same are granted :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. All such provisions contained in any Act of Parliament relating to the duties of income tax as are in force at the date of the passing of this Act shall have full force and effect with respect to any duties of income tax which may be granted for the year commencing the sixth day of April one thousand eight hundred and seventy-one, in the same manner as if such duties had been actually granted, and the said provisions had been applied thereto ; provided that nothing in this Act shall be deemed to continue the rates of income tax granted by the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter thirty-two.

Application
of existing
Income Tax
Acts to
duties to be
granted.

Income Tax Assessment.

A

B I L L

To make provision for the Assessment
of Income Tax.

(Prepared and brought in by
Mr. Stansfeld and Mr. Chancellor of the
Exchequer.)

*Ordered, by The House of Commons, to be Printed,
6 March 1871.*

[Bill 64.]

Under 1 oz.

A

B I L L

TO

Extend in certain respects the power of Local Legislatures in India as regards European British subjects. A.D. 1871.

WHEREAS it is expedient that the power of making laws and regulations conferred on Governors of Presidencies in India in Council by the Indian Councils Act, 24 & 25 Vict. c. 67., sec 42, should in certain respects be extended :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No law or regulation heretofore made or hereafter to be made
10 by any Governor or Lieutenant Governor in Council in India in manner prescribed by the aforesaid Act shall be invalid only by reason that it confers on magistrates, being justices of the peace, the same jurisdiction over European British subjects as such Governor or Lieutenant Governor in Council, by regulations made as afore-
15 said, could have lawfully conferred or could lawfully confer on magistrates in the exercise of authority over natives in the like cases.

2. When evidence has been given in any proceeding under this Act before a magistrate, being a justice of the peace, which appears to
20 be sufficient for the conviction of the accused person, being an European British subject, of an offence for which, if a native, he would under existing law be triable exclusively before the Court of Session, or which, in the opinion of the magistrate, is one which ought to be tried by the High Court, the accused person, if such
25 European British subject, shall be sent for trial by the magistrate before the High Court.

3. And whereas by an Act passed by the Governor General of India in Council, Indian Act, No. XXII., of 1870, it is provided that
[Bill 154.]

Power to local legislatures to confer jurisdiction over European British subjects to magistrates in certain cases.

Committal of defendant (being an European British subject) to the High Court. (Indian Act, No. xxv. of 1861, s. 226.)

Power to local legislatures to

A.D. 1871.
—
amend and
repeal cer-
tain laws.

certain Acts heretofore passed by the Governors of Madras and Bombay respectively in Council, and by the Lieutenant Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to be as valid as if they had been passed by the Governor 5 General of India in Council at a meeting for the purpose of making laws and regulations : Be it further enacted, that the said Governors and Lieutenant Governor in Council respectively shall have power to repeal and amend any of the said Acts so declared valid, by Acts to be passed under the provisions of the Indian Councils Act. 10

India (Local Legislatures).

A

BILL

To extend in certain respects the power of Local Legislatures in India as regards European British subjects.

(Prepared and brought in by
Mr. Grant Duff and Mr. Adam.)

*Ordered, by The House of Commons, to be Printed,
18 March 1871.*

[Bill 154.]

Under 1 oz.

437

Industrial and Provident Societies Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Commencement.
3. Interpretation: "Registrar," "Court," "Society," "Office,"
"Rules," "Extraordinary Resolution."
4. Repeal of 25 & 26 Vict. c. 87. and 30 & 31 Vict. c. 117.
5. Societies under former Acts to continue.
6. Establishment of societies under this Act.
7. Capital.
8. Guarantee.
9. Rules to be transmitted.
10. Matters to be set forth in rules.
11. Registration of rules.
12. Effect of certificate of registration.
13. Certificate to vest property held in trust.
14. Alterations of or additions to rules to be registered.
15. Appeal to court if registrar refuses to register.
16. Effect of rules.
17. Form of certificates.
18. Evidence of registration.
19. Copies of rules to be delivered.
20. No society to be registered by same name as that of an
existing society.
21. Publication of name by society.
22. Penalties on non-publication of name, &c.
23. Society may change its name.
24. Notice of change of name to be given.
25. Society to have office. Penalty on default.
26. Notice of situation of office to be given.
27. Minors over fourteen may be members.

[Bill 188.]

a

Clauses.

28. As to married woman's claim to hold shares to her separate use.
29. Officers to give security.
30. Officers to account.
31. Annual returns to be prepared as registrar may direct.
32. Time of holding meeting at which annual statement is to be presented.
33. Penalties on not sending returns.
34. Registrar to enforce true and sufficient returns.
35. Society may apply to the registrar to have accounts audited.
36. Determination of disputes by arbitration.
37. When court may determine dispute.
38. In default of provision for arbitration, court to determine disputes.
39. Powers of court.
40. Order of court how enforced.
41. Registration of transferable shares.
42. Rules may provide for application of transferable shares to particular purposes.
43. Rules may provide for purchase of transferable shares by society.
44. Non-transferable stock.
45. Interest of members in capital.
46. Conversion of non-transferable shares or stock into transferable shares.
47. Rules may give lien to society on members' shares or stock.
48. Power to nominate persons into whose names interests of members may be transferred at death.
49. On death of member sum under pounds may be paid without administration.
50. Application of profits.
51. No dividends out of capital. Penalty.
52. Power to build, sell, lease, mortgage, &c.
53. As to copyholds.
54. Receipt indorsed on mortgage to be sufficient discharge without reconveyance.

Clauses.

55. Confirmation of loans, &c. which would have been valid under this Act.
56. Limitation of interest of members.
57. Society not to invest in unlimited companies, &c.
58. Societies may amalgamate or transfer engagements.
59. Members may inspect books.
60. List of members, share register, &c. to be evidence.
61. Promissory notes and bills of exchange.
62. Rules, &c. not liable to stamp duty. Exemption how limited.
63. Exemption from income tax.
64. Income tax commissioners may inspect books of society.
65. Winding up of societies.
66. Advertisement of extraordinary resolution for winding up.
67. When societies may be wound up by court.
68. Liability of present and past members in case of winding up.
69. Meaning of "contributory."
70. Nature of liability of contributory.
71. Contributories in case of death.
72. Contributories in case of bankruptcy.
73. Contributories in case of marriage.
74. Commencement of winding up by court.
75. Court may grant injunction.
76. Course to be pursued by court on hearing petition.
77. Actions and suits to be stayed after winding-up order.
78. Copy of order to be forwarded to registrar.
79. Power of court to stay proceedings.
80. Court may have regard to wishes of contributories.
81. Appointment of official liquidators.
82. Resignations, removals, &c., and compensation of official liquidator.
83. Style and duties of official liquidator.
84. Powers of official liquidator.
85. Discretion of official liquidator.
86. Appointment of solicitor to official liquidator.
87. List of contributaries, and collection and application of assets.
88. Provision as to representative contributories.

Clauses.

89. Power of court to order delivery of property.
90. Power of court to order payment of debts by contributory.
91. Power of court to make calls.
92. Power of court to order payment into bank.
93. Regulation of account by court.
94. Provision in case of representative contributory not paying moneys ordered.
95. Order conclusive evidence.
96. Court may exclude creditors not proving within certain time.
97. Court to adjust rights of contributories.
98. Court to order costs.
99. Dissolution.
100. Registrar to record dissolution. Penalty on not reporting.
101. Power of court to summon persons suspected of having property of society.
102. Examination of parties by court.
103. Power to arrest contributory about to abscond or to remove or conceal property.
104. Powers of court cumulative.
105. Order made in England to be enforced in Scotland and Ireland.
106. Mode of dealing with orders to be enforced by other courts.
107. Appeals from orders.
108. Special commissioners for receiving evidence.
109. Court may order examination of persons in Scotland.
110. Commencement of voluntary winding-up.
111. Effect of voluntary winding-up on status of society and its members.
112. Powers of liquidators in voluntary winding-up.
113. If no liquidators powers may be exercised by society.
114. Arrangement when binding on creditors.
115. Power of creditor or contributory to appeal against arrangement.
116. Power for society, &c., in voluntary winding-up, to apply to court.
117. Voluntary winding-up to be reported. Penalty on not reporting.

Clauses.

118. On winding up under supervision court may apply provisions as to winding up by court.
119. Power of court to adopt proceedings of voluntary winding-up.
120. Costs of voluntary winding-up.
121. Saving or rights of creditors.
122. Dispositions after commencement of winding-up avoided.
123. Books of society to be evidence.
124. As to disposal of books, accounts, and documents of the society.
125. Inspection of books.
126. Power of assignee to sue.
127. Debts of all descriptions to be proved.
128. General scheme of liquidation may be sanctioned.
122. Power to compromise.
130. Power to accept shares on transfer of business to another society.
131. Mode of determining price of shares.
132. Certain attachments, &c. to be void.
133. Fraudulent preference.
134. Power of court to assess damages against delinquent directors and officers.
135. Prosecution of delinquent directors, &c. in winding up by court.
136. Prosecution of delinquent directors, &c. in voluntary winding-up.
137. Application may be made to registrar to wind up society.
138. Registrar may fix scale of costs.
139. Punishment for falsification of books.
140. Punishment of fraud in withholding money, &c.
141. Affidavits, &c. may be sworn in Scotland or the colonies before any competent court or person.
142. Penalty of perjury.
143. Recovery of penalties.
144. Sheriffs jurisdiction in Scotland, &c.
145. As to proceedings by registrar for penalties.
146. General orders, and scale of costs.
147. Orders, &c. in Ireland and Scotland.

Clauses.

148. Remuneration of registrars and high bailiffs of county courts.
149. Society may be registered under Companies Acts.

SCHEDULE A.

Forms of certificate, &c. to be given under this Act.

Certificate to follow rules on registration of a society.

Certificate of alteration of rules.

Certificate of changed name.

Form of declaration to accompany alterations of or additions to
rules.

SCHEDULE B.

Form of bond by officer of a society.

A
B I L L

FOR

The consolidation and amendment of the Law relating to A.D. 1871.
Industrial and Provident Societies.

WHEREAS it is expedient to consolidate and amend the laws relating to Industrial and Provident Societies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Industrial and Provident Societies Consolidation Act, 1871." Short title.

2. This Act shall commence and take effect on the Commence-
10 day of ment.

3. The "registrar" in this Act means the registrar of friendly societies for the time being in England, Scotland, or Ireland, as the case may be : Interpreta-

15 The "court" in this Act means in England the county court of the district, or in Scotland the sheriff's court of the county in which the principal place of meeting or of business or the proposed office of the society is situate, and in Ireland the civil bill court within which such principal place of meeting or of business or such office or proposed office is situate : "Court ;"

20 "Society" means a society registered or deemed to be registered under this Act : "Society ;"

"Office" means registered office of a society : "Office ;"

"Rules" means rules of a society : "Rules ;"

25 "Extraordinary resolution" means a resolution passed by a majority of not less than two thirds of the members of a society entitled according to the rules thereof to vote who may be present at a general meeting of which notice specifying the intention to propose such resolution has been duly given, and "Extraordi-
nary resolu-
tion."

[Bill 188.] A

A.D. 1871.

confirmed by a majority of the members entitled according to the rules to vote who may be present at a general meeting of which notice has been duly given, held not less than fourteen days nor more than one month after the date of the meeting at which such resolution was first passed :

5

Except so far as the context may preclude any of the foregoing constructions.

Repeal of
25 & 26 Vict.
c. 87. and
30 & 31 Vict.
c. 117.

4. The Acts of the twenty-fifth and twenty-sixth Victoria, chapter eighty-seven, and of the thirtieth and thirty-first Victoria, chapter one hundred and seventeen, known as the Industrial and Provident Societies Acts, 1862 and 1867, respectively, are hereby repealed, but this repeal shall not affect the past operation of the said Acts or of either of them, or the operation or effect, validity or invalidity, of anything done or suffered, or of any bond or security given, right, title, obligation, or liability accrued or proceedings taken under the same Acts or either of them respectively, or under the rules of any society registered under the said Acts or either of them.

10

15

Societies
under former
Acts to con-
tinue.
Establish-
ment of
societies
under this
Act.
(See Act of
1862, s. 3 ;
1867, s. 1.)
Capital.

5. Every society now subsisting which shall have been registered under the said Acts hereby repealed or either of them shall be deemed to be a society registered under this Act, without further registration, and its rules shall continue in force, unless or until altered or rescinded as herein provided.

20

6. Any number of persons, not being less than seven, may establish a society under this Act for carrying on any business, labour, trade, or handicraft, whether wholesale or retail.

25

7. The capital of a society under this Act may consist in whole or in part either of transferable shares or of non-transferable shares or stock.

Guarantee.

8. A society may be established under this Act either wholly or in part by way of guarantee.

30

Rules to be
transmitted.

9. The persons intending to establish a society under this Act shall transmit to the registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons, and by the intended secretary or other officer of the society.

35

Matters to be
set forth in
rules.
(Compare
Schedule to
Act of 1867.)

10. The rules of every society to be established under this Act shall set forth :

The name and office of the society ;

The terms of admission of members ;

The mode of calling meetings, and the rights of voting of members ;

40

The mode of altering and rescinding rules and making new rules ;

A.D. 1871.

The mode of appointing and removing the directors or committee of management and officers of the society, and their respective duties, powers, and remunerations ;

The mode of investing capital ;

5 The mode of auditing accounts ;

The mode of settling disputes between the society and any member, or person claiming through a member, or otherwise, under the rules ;

10 The mode of keeping a list of the names and addresses of all members for the time being ;

If the shares or any number thereof shall be made transferable, a provision for the issue and transfer of such shares from time to time ;

15 If the capital or any portion thereof consist of non-transferable shares or stock, a provision for determining how members may withdraw personally from the society, or may withdraw or demand repayment of all or any of their non-transferable shares or stock, and for the repayment to such members of moneys withdrawn, or of the balance due to them on withdrawal from the society, (as the
20 case may be,) and for determining in what cases and within what limits the directors or committee of management may defer repayment of such moneys withdrawn or of such balance ;

If the society be constituted by way of guarantee, the amount of guarantee to be given by each member and the mode in which the
25 same is to be enforced ;

The mode of settling the claims of the executors, administrators, or nominees of members ;

The mode of applying profits (so as that the same be not divided exclusively in respect of capital) ;

30 Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name thereof ;

The fines and forfeitures to be imposed on members of the society.

35 11. If the registrar finds that the rules transmitted to him contain the provisions by this Act required, and are otherwise conformable to this Act, and not contrary to law, he shall retain one copy of the same, and return the other to the intended secretary or other officer of the society, with his certificate of the registration of the same.

Registration
of rules.

40 12. The certificate of registration shall be conclusive evidence that the society therein mentioned is a lawful society duly registered, and thereupon the members of such society shall become a body

Effect of
certificate of
registration.
(Act of 1867,
s. 4.)

A.D. 1871. corporate by the name therein mentioned, having perpetual succession and a common seal, with power to purchase and hold lands of any tenure; and the liability of such members for the debts and engagements of the society shall be limited to the amounts, if any, for the time being remaining unpaid in respect of their shares in the same, and to the amounts, if any, of their respective guarantees. 5

Certificate to vest property held in trust. (Act of 1862, s. 6.) 13. The certificate of registration shall vest in the society therein named all property, real or personal, that may at the date of the same be vested in any person in trust for the society, and all legal proceedings by or against such person on account of the society may be prosecuted by or against the society in its registered name, without abatement. 10

Alterations of or additions to rules to be registered. (Act of 1867, s. 7.) 14. A society rescinding or altering a rule or making a new rule shall forward two copies of every resolution for rescision of a rule and of every altered or new rule, signed by seven members of the society, and countersigned by the secretary, together with a declaration in the form contained in schedule A. to this Act annexed, to the registrar, who, if he find that such resolution or altered or new rule is not contrary to this Act or to law, shall retain one copy of the same, and return the other to the secretary, with his certificate of registration of the same, which shall be conclusive evidence of the lawfulness of such rescision of a rule or altered or new rule, and no rescision or alteration of a rule or new rule shall be valid until registered. 15 20

Appeal to Court if Registrar refuses to register. 15. If the registrar refuse to register the rules of a society, or any rescision of a rule, or altered or new rule, he shall, on request of any member of the society, give his reason in writing for such refusal; and it shall thereupon be lawful for the society, if it be one already established, or for any member of the same if it be one applying for registration, to lay before the court the rules or rule or resolution for rescision of a rule so for the time being refused to be registered, and the registrar's written reason for such refusal; and if such reason shall appear to the court insufficient, the court shall have power to direct the registration of such rules or rule or resolution, with such alterations, if any, as the court may think fit; and thereupon the registrar shall register and certify the registration of such rules or rule or resolution, with such alterations, if any, as aforesaid, in manner herein-before provided. 25 30 35

Effect of rules. (Act of 1862, s. 14.) 16. The rules of a society shall bind the same, and all members of the same, and all persons claiming through a member, to the same extent as if every member had subscribed his name and 40

affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules; and the same shall also be binding on all the officers of the society, and on all other persons claiming

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under the rules; and every such member, officer, or person shall be deemed to have full notice of every such rule; and all moneys payable by any member of the society, in pursuance of the rules, shall be deemed to be a debt due from such member to the society; and no plea or claim of partnership or joint interest shall in any case be pleaded, raised, or allowed on behalf of any member, or person claiming through a member, in defence, arrest, or bar of any claim, demand, or proceeding, by the society or by any liquidator or other person on behalf of the same, against such member or person claiming through a member.

17. The registrar shall give his certificates of registration in the forms contained in the said schedule A. to this Act annexed thereto relating respectively.

Form of certificate.
(Act of 1867, s. 8.)

18. Any rules, certificate of registration, or other document relating to a society, purporting to be signed by the registrar, shall, in default of evidence to the contrary, be received by all courts of law, equity, or other judicature in the United Kingdom of Great Britain and Ireland, or any of the dominions, colonies, or possessions of Her Majesty, without proof of his signature thereto.

Evidence of registration.
(F. S. Act 1855, s. 30.)

19. The society shall supply to every member of the same, on his request, and to every person applying for the same, a complete printed copy of the rules of such society for the time being in force, with a copy of the certificate of registration of the same appended thereto, on payment of a sum not exceeding one shilling per copy.

Copies of rules to be delivered.
(Act of 1862, s. 7.)

20. No society shall be registered under a name identical with that of which any other existing society has been registered in the same city, borough, or county, or, in the case of a society proposed to be established in the metropolis within the limits of the same as defined by the Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, for the better local management of the metropolis, or under a name so nearly resembling the name of any other such society as to be likely deceive the members or the public; and the word "Limited" shall be the last word in the name of every society under this Act.

No society to be registered by same name as that of an existing society.
(Act of 1862, s. 8.)

21. Every society shall keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and shall

Publication of name by society.
(Act of 1862, s. 10.)

A.D. 1871. have its name engraven in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society. 5

Penalties on non-publication of name, &c.
(Act of 1862, s. 11.)

22. If a society does not keep painted or affixed its name in manner directed by this Act, it shall be liable to a penalty not exceeding *one pound* for every day during which such name is not so kept 10 painted or affixed; and if any officer of such society, or any person on its behalf, uses any seal purporting to be a seal of the society whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of such society, or signs or authorises to be signed 15 on behalf of such society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt, or letter of credit of the society whereon its name is not mentioned in manner aforesaid, he shall be liable to a penalty of *five pounds*, and 20 shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, if the same be not duly paid by the society.

Society may change its name.
(F. S. Act, 1858, s. 4.)

23. A society may change its name by extraordinary resolution, provided that the new name is not substantially the same as that of 25 any society previously registered and still subsisting in the same city, borough, or county, or, if in the metropolis, within the metropolitan district.

Notice of change of name to be given.
(F. S. Act, 1853, s. 4.)

24. Notice of any change of name shall be sent to the registrar and recorded by him. No change of name shall affect any right or 30 obligation of the society, or of any member thereof or other person concerned, or any proceedings by or against the society in any court of judicature.

Society to have registered office. Penalty on default.
(Act of 1862, s. 12.)

25. Every society shall have an office to which all communications and notices may be addressed; and if any society carries on 35 business without having such an office it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

Notice of situation of office to be given.
(Act of 1862, s. 13.)

26. Notice of the situation of such office and of any change therein shall be given to the registrar, and recorded by him, and 40 until such notice is given the society shall not be deemed to have complied with the provisions of this Act.

27. A person under the age of twenty-one years but over the age of fourteen years may be a member of a society (unless the rules otherwise provide), and may execute all necessary instruments and give all necessary acquittances, but during his non-age he shall not
5 be competent to hold any office of director, member of committee, treasurer, or secretary of the society.

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Minors over 14 may be members.

28. Notwithstanding anything contained in the "Married Women's Property Act, 1870," the committee or directors of a society may decline to enter any share, benefit, or debenture to
10 which a married woman claims to be entitled in the name of such married woman as being entitled to her separate use, or (if they think fit) may require the consent of the husband of such woman to such entry.

As to married woman's claim to hold shares, &c. to her separate use.

29. Every officer of a society, if required by its rules to give
15 security, shall, before taking on himself the execution of his office, become bound with at least one sufficient surety in a bond, according to the form set forth in Schedule B. to this Act annexed, or (if the rules so allow) give the security of a guarantee society in such sum as the society shall direct, conditioned for his just and faithful
20 execution of his office, and for rendering a just and true account of all moneys received and paid by him on account of the society, at such times as the rules appoint, or as the directors, or committee, or members in general meeting of the society assembled, may require him to do so.

Officers to give security.

30. Every officer of a society, his executors or administrators, shall, upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the directors or committee of the society, to be examined and allowed or disallowed by them, and shall, on the like
30 demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property, taken or standing in his name as aforesaid, or being in his hands or custody, to such person as the society shall appoint; and in case of any neglect or refusal by him so to do the
35 society may (without prejudice to its right to sue upon his bond, if any,) petition the court, who may proceed thereon in a summary way, and make such order, upon hearing all parties concerned, as to the court shall seem just, which order shall be final and conclusive.

Officers to account.

31. The secretary or other officer of every society shall once in
40 every year at least prepare or cause to be prepared, and submitted to a general meeting of the society, a general statement of the funds

Annual returns to be prepared as registrar may direct. (Act of 1862, s. 24.)

A.D. 1871. and effects of or belonging to the society, and of its liabilities and assets, specifying the amount raised by the subscriptions or shares, and the amount raised by any other means, together with an account of all and every the various sums of money received and expended by or on account of the society since the date of the last 5 preceding general statement, and such statement shall be made out in such form and shall comprise such particulars as the registrar shall from time to time require; and every such general statement shall be attested by two or more persons as auditors, whether members of the society or not, and shall be countersigned by the 10 secretary or other officer; and every member of the society shall be entitled to receive from the society a copy of such general statement gratis, and a copy thereof shall be sent to the registrar within two months after the general meeting at which it is presented.

Time of holding meeting at which annual statement is to be presented.

Penalties on not sending returns. (Act of 1867 s. 9.)

32. The general meeting of a society at which the annual 15 general statement of its funds and effects is to be presented shall be so held as to allow a copy of the same to be sent to the registrar on or before the *first of March* in every year.

33. Every society which does not return to the registrar a copy of its annual general statement within such time as herein men- 20 tioned, or which does not supply a copy of the same or of its rules to any member requiring the same, shall incur a penalty of not exceeding five pounds for each offence; and every person who makes or orders to be made any false statement, or any omission, in any return by this Act required to be made, with intent to deceive the 25 registrar or any other person, shall incur a penalty of not exceeding *fifty pounds* sterling for every return so dealt with.

Registrar to enforce true and sufficient returns.

34. The registrar shall carefully examine the yearly statements hereby required to be sent by societies, and shall use his utmost endeavours to enforce the sending of true and sufficient returns by 30 the societies.

Society may apply to registrar to have accounts audited.

35. Notwithstanding anything in its rules contained, it shall be lawful for a society, by virtue of a resolution passed by any general meeting of its members, to apply in writing to the registrar, for the purpose of having its accounts audited; and upon receipt of such 35 application, signed either by the secretary or by any seven of the members, together with a copy of the resolution directing or authorising the same, the registrar shall either undertake the auditing of such accounts himself, or shall nominate some person to audit the same; and all expenses of such audit shall be paid by the society; 40 and the registrar shall have power to require a deposit of a sum not

exceeding ten pounds towards the expenses of the same, before entering upon such audit or nominating a person to undertake the same; and every such application for an audit, and every nomination of an auditor by the registrar, shall be recorded by him. A.D. 1871.

5 **36.** Where the rules direct disputes to be referred to arbitration, arbitrators shall be elected at a general meeting of the society (none of them being beneficially interested directly or indirectly in the funds of the society), of whom not less than three shall be chosen by ballot in each case of dispute so to be referred, the number of
10 the arbitrators and the mode of ballot being determined by the rules. The names of such arbitrators shall be duly recorded in the minute books of the society; and in case of the death, incapacity, refusal or neglect to act of any arbitrator, the society in general meeting shall elect an arbitrator in the place of the arbitrator dying,
15 becoming incapable, or refusing or neglecting to act; and the award of the arbitrators or the major part of them shall be binding and conclusive on all parties, and shall be final to all intents and purposes without appeal, and shall not be removable into any court of law or restrainable by injunction of a court of equity; and if any
20 party in dispute refuse or neglect to comply with or conform to the decision of the said arbitrators or the major part of them within a time to be limited in such award, the court, upon proof adduced of such award having been made and of the refusal of the party to comply therewith, shall enforce compliance with the same, on the
25 petition of any person concerned.

37. If it shall appear to the court, upon the petition of any party concerned, that application has been made under the rules to the society or its officer for the purpose of having a dispute settled by arbitration, and that such application has not within forty days
30 been complied with, or that the arbitrators have neglected or refused to make an award, the court may hear and determine the matter in dispute.

38. Where the rules do not direct disputes to be referred to arbitration, all applications for the settlement of disputes shall be
35 made to the court, and the court shall entertain the application of any person interested in the matter, and shall hear and determine the same.

39. In all matters in which it shall have jurisdiction under this Act, the court shall have power to give such relief and make such
40 orders and directions in the matter as might for the time being be given or made by Her Majesty's High Court of Chancery, in respect either of its ordinary or its special or statutory jurisdiction, and the

A.D. 1871. decision of the court in any matter arising under this Act shall not be subject to any appeal, and shall not be removable into any court of law or restrainable by injunction of any court of equity (unless where hereby otherwise specially provided).

Order of court, how enforced. (F. S. Act, 1855, s. 42.) **40.** Any order of the court under this Act for the payment of money may be enforced in the same manner as the ordinary judgments of such court are enforced; and it shall be lawful for the court, in any order for the doing of some act other than the payment of money, to impose a penalty to be paid in default of such act being done; and such penalty may be recovered in case of default in the same manner as a judgment for debt or damages in such court. 5 10

Registration of transferable shares. **41.** Where all or any of the shares in a society are transferable, such transferable shares shall be consecutively numbered, and a register of the same shall be kept by the society, in which shall be entered from time to time the names and addresses and occupations of any of the members, the distinguishing numbers of the shares held by each, and the amount paid or agreed to be considered as paid in respect of each share, the date at which the name of any person was entered in the register as a member, and the date at which any person ceased to be a member. 15 20

The rules may provide for application of transferable capital to particular purposes. Rules may provide for purchase of transferable shares by society. Non-transferable stock. **42.** The rules may determine in what cases, if any, the capital to be invested or expended for any particular purpose shall consist only of transferable shares.

43. The rules may provide for the purchase by the society from its members of their transferable shares, and in what cases and on what conditions such purchases shall take place. 25

44. Where the rules provide that all or any part of the capital of the society shall consist of non-transferable stock, such stock need not be divided into shares or portions of any fixed amount, or distinguished by numbers. 30

Interest of members in capital. **45.** The respective interests of the members in the capital of the society shall be determined by the amounts standing to their credit as capital respectively for the time being in the books of the society.

Conversion of non-transferable shares or stock into transferable shares. **46.** Unless otherwise provided by the rules, all or any of the non-transferable shares or stock in a society may be converted into transferable shares, by an extraordinary resolution, in such manner and upon such terms as such extraordinary resolution may determine; and any member may at any time, by agreement with the directors or committee of management of the society, convert any 35 40

non-transferable shares or stock to which he is entitled into transferable shares, so as every such agreement be signed by such member, and entered in the minute books of the society. A.D. 1871.

47. The rules may provide that the society shall have a lien on the shares or stock of a member in the same for any debts due by such member to the society, or for any proportion of such debts, and for the manner in which such lien shall be enforced.

Rules may give lien to society on member's shares or stock.

48. A member of any society may by writing under his hand delivered at the office of the society nominate any person to whom his shares or stock in the society, and any other moneys which at the time of his death shall be due to him from the society, shall be transferred or paid at his decease, and may from time to time revoke or vary such nomination, by writing under his hand, to be delivered in like manner; and the secretary of every society shall keep a book wherein the names of all persons so nominated shall be regularly entered; and the shares or stock comprised in such nomination shall be transferable to the nominee, although the rules of the society declare its shares or stock to be generally not transferable; provided nevertheless, that the society may, in lieu of making such transfer, elect to pay to any nominee the full value of the shares or stock comprised in the nomination to him, and shall pay him the full value of any such shares or stock which if transferred into his name would increase his interest in the society to an amount exceeding two hundred pounds sterling; provided also, that no such nomination shall be valid for the transfer or payment of an amount exceeding two hundred pounds.

Power to nominate persons into whose names interests of members may be transferred at death. (See Act of 1867, s. 5.)

49. When on the death intestate of any member a sum of money not exceeding one hundred pounds becomes payable by the society, or whenever a member dies entitled to shares or stock to an amount not exceeding one hundred pounds, and such member shall not have made a nomination in respect of the same moneys, shares, or stock, or has revoked his nomination, or the person nominated has died before the deceased member, such moneys, shares, or stock shall be paid or transferred to the person who shall appear to the committee of management or directors of the society to be entitled under the Statute of Distributions to receive the same without taking out letters of administration in England or Ireland, and without confirmation in Scotland; and every payment or transfer so made shall be valid and effectual with respect to the deceased person, or any other person as personal representative or next of kin of the deceased member, against the society or the directors, or members of the committee of management, or officers thereof, or any of them; and the

On death of member sum under 100l. may be paid without administration. (See F. S. Act, 1855, s. 31.)

A.D. 1871. remedy of such personal representative or next of kin shall be against the person who has received such money, or had such shares or stock transferred to him, his executors, administrators, or assigns, only.

Application of profits. **50.** Subject to this Act, and to the rules, the profits of a society 5 may be applied to any purpose not contrary to law which the society in general meeting may determine or approve of from time to time.

No dividends out of capital. Penalty. **51.** No dividends shall be paid by any society to the members thereof out of the capital of the same. Every director, member of 10 committee, secretary, or other officer of the society, knowingly taking, receiving, paying, or authorising or concurring in authorising the payment of any dividend out of capital, shall be liable to a penalty of *five pounds*.

Power to build, sell, lease, mortgage, &c. **52.** The rules may provide from time to time for the erection of 15 any buildings on any lands from time to time held by the society, and for the altering or pulling down and again rebuilding of any buildings, whether erected by the society or otherwise vested in it; and for the management, laying out, leasing, and sub-leasing (whether at rackrent on building, mining, quarrying, or improving 20 leases, or otherwise howsoever), and for the disposal and sale from time to time of any lands or buildings for the time being held by the society; and for the appropriation of the purchase moneys, rents, and other moneys to be received in respect of any lands or buildings; and for the advancing of any moneys, and for the borrowing of any 25 moneys by the society on the security of real or personal property; and for the receiving by the society of deposits or loans, at interest, from members or other persons; and the rules may prescribe the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or loan, or other instrument necessary for carrying the 30 purposes of the society into execution.

As to copyholds. **53.** Where any society shall have become entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lords or ladies of the manors of which the same are held shall from time to time, if the 35 society shall so require, admit such person or persons (not to exceed three) as such society shall appoint to be a trustee or trustees on its behalf as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant, or may admit the society as tenant in respect of 40 the same on payment of such special fine, or compensation in lieu of fine, and fees, as may be agreed upon between such lord or lady and the society.

54. A receipt under the seal of a society, countersigned by the secretary, for all moneys secured to the society by any mortgage or other assurance, such receipt to be in the form specified by the rules or any schedule thereto, and to be endorsed upon or annexed to such mortgage or other assurance, shall vacate the same, and vest the estate of and in the property therein comprised in the person entitled to the equity of redemption of the same, or in such person as the society may direct, without any reconveyance or resurrender whatever; and if such mortgage or other assurance has been registered under the Acts for the registration of deeds in Middlesex, Yorkshire, or Ireland, or recorded under the Record of Title Act, Ireland, or, in the case of copyholds or lands of customary tenure, entered on any court rolls, the registrar under the said Acts respectively, or his deputy or assistant registrar in Ireland, or the recording officer, as the case may be, or the steward of the manor or his deputy respectively, shall, on production of such receipt, verified by oath of one of the witnesses thereto, enter satisfaction on the register or on the court rolls respectively of such mortgage, or of the charge made by such assurance, and shall grant a certificate either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof; and such registrar, recording officer, or steward shall be entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate; and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are now by law directed to be paid and applied.

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Receipt
indorsed on
mortgage to
be sufficient
discharge
without re-
conveyance.

55. All loans made or contracted, securities given or taken, assurances and deeds executed, agreements and engagements entered into, proceedings taken, and acts done or suffered before the passing of this Act, by, to, with, in trust for, or on account of a society existing at the commencement of this Act, which, if made, contracted, given, taken, executed, entered into, done, or suffered respectively after the passing of this Act would have been valid, are hereby confirmed and made valid.

Confirmation
of loans, &c.
which would
have been
valid under
this Act.

56. A society may hold in its name any amount of interest in any other society, or in any joint stock company limited, or in any certified benefit building society; but any member or person, other than a society under this Act, who shall hold or claim in any such society an interest exceeding *two hundred pounds* sterling, shall

Limitation of
interest of
members.
(Act of 1867,
s. 2.)

A.D. 1871. incur a penalty equal to the excess of such interest over the said sum.

Society not to invest in unlimited companies, &c.

57. No society shall have power to invest any portion of its funds in the capital of any partnership, association, or company the liability of whose members is not limited by law to the amount of 5 their respective shares in the same.

Societies may amalgamate, or transfer engagements.

58. Any two or more societies may unite and become incorporated in one society, with or without any dissolution of the funds of such societies or either of them, or a society may transfer its engagements to any other society, upon such terms as shall be 10 determined by extraordinary resolution of each of such societies, but no such transfer shall prejudice the rights of any creditor of either such society. Notice of every such union or transfer, and of any change of name consequent thereon, shall be sent to the registrar, and recorded by him, and until such notice has been given 15 no such union or transfer shall be valid.

Members may inspect books. (See Act of 1862, s. 22.)

59. Every member of a society, or person having an interest in the funds of the same, may inspect its books and the names of its members, at all reasonable hours, at the office of the society, except that the book of nominations of a society shall not be inspected by 20 any person not being a nominator in respect of any share or shares therein, without the consent of the committee or directors of the society.

List of members share register, &c. to be evidence. (See J. S. C. Act, 1862, s. 37.)

60. The list of members, share register, register of transfers, and register of nominations of any society shall be *prima facie* evidence 25 of all matters by this Act or by the rules directed or authorised to be inserted therein.

Promissory notes and bills of exchange. (See J. S. C. Act, 1862, s. 47.)

61. A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of a society, if made, accepted, or endorsed in the name of the society by any 30 person acting under the authority of the society, or if made, accepted, or endorsed by or on behalf or on account of the society by any person acting under the authority of the society.

Rules, &c. not liable to stamp duty. Exemption how limited. (See F. S. Act, 1855, s. 37.)

62. No copy of rules, nor power, warrant, or letter of attorney, granted by any society or any trustee for the same, for the transfer 35 of any share in the public funds, nor any order or receipt for money contributed to or received from the funds of any society by any person liable or entitled to pay or receive the same, nor any bond to be given to or on account of any society, or by the treasurer or any officer thereof, nor any draft or order nor any other document what- 40

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ever required or authorised by or in pursuance of this Act or the rules of any society, shall be liable to stamp duty; provided that no exemption from stamp duties hereby granted shall extend to any society in which any person holds or claims an interest exceeding
5 two hundred pounds sterling, or to any society whereof the capital or the gross yearly income for the time being as shewn by the last annual statement of such society exceeds pounds.

63. A society not allowing any member thereof (otherwise than as aforesaid) to hold or claim any interest therein or moneys there-
10 from exceeding in value the sum of *two hundred pounds* shall not be chargeable with the duty under schedule C. or schedule D. of the Income Tax Acts; but such exemption shall not relieve any member of such society or persons employed by such society to whom any portion of the profits of the society shall be paid from assessment to
15 the said duties in respect of such payment, in any case in which the total income of such member or other person, inclusive of his portion of the said profits, shall amount to the sum of *one hundred pounds* per annum or upwards.

Exemption from income tax.
(Act of 1867, s. 12.)

64. The commissioners for special purposes under the Income
20 Tax Acts may, by themselves or by any officer or officers nominated by them in writing for the purpose, at all reasonable hours inspect the books of any society, for the purpose of ascertaining the names and residences of all members of the society or other persons to whom profits made by the society have been paid or shall be payable within
25 the year ending the fifth day of April preceding such inspection, and the amounts paid or payable to each member or other person; and the directors, members of the committee, officers, and servants of the society shall give to the said commissioners, or the officer or officers nominated by them, all the information in their power relating to the
30 aforesaid matters, and shall also, if required so to do in writing by the said commissioners, and on payment of a sum of *two shillings and sixpence* in the case of a society of not exceeding one hundred members, and of a further sum of *two shillings and sixpence* for every
35 two hundred and fifty members of a society after the first one hundred, (which sums the said commissioners are hereby authorised to pay out of any public moneys in their hands,) within twenty-one days after the receipt of such request, deliver or transmit to the said commissioners a list containing the name and residence of every
40 society have been paid or shall be payable within or for the year ended on the fifth day of April preceding the receipt of such request, and the amounts paid or payable to each member or other person;

Income tax commissioners may inspect books of societies.

(See Act of 1867, s. 13.)

A.D. 1871. — and thereupon the special commissioners shall take the necessary steps for charging the said duties under the regulations of the Income Tax Acts, or such of the said persons as may be liable thereto; and any society, or secretary or other officer of a society, who shall hinder such inspection, or refuse or knowingly withhold such information, or shall, in the case herein mentioned, neglect to make out and deliver to the commissioners for special purposes within the time specified by this Act such list as aforesaid, shall forfeit and pay the sum of *fifty pounds*, to be recovered in like manner as penalties imposed for the like default by the Income Tax Acts. 10

Winding up
of societies.

65. A society may be wound up voluntarily by virtue of an extraordinary resolution, and with the consent of three fourths of the members, to be testified by their signatures to the proposed plan of winding up, which shall set forth the intended appropriation and division of the funds and property of the society, or may be wound up compulsorily by the court, on the petition of the society or of any creditor of the same, or of any contributory of the same, as after defined, who or whose wife (not being entitled only to shares or stock entered in her own name as being entitled to her separate use), or any testator or intestate through whom he or she claims, shall, either by himself or herself, or by any trustee or trustees for himself or herself, have held shares or stock in the society for not less than six months during the eighteen months next previous to the commencement of the winding-up. 15 20

(See J. S. C.
Act, 1867,
s. 40.

Advertise-
ment of ex-
traordinary
resolution for
winding up.
(J. S. C. Act,
1862, s. 132.)

66. Notice of every extraordinary resolution passed for winding up a society voluntarily shall be advertised as respects societies in England in the "London Gazette," as respects societies in Scotland in the "Edinburgh Gazette," and as respects societies in Ireland in the "Dublin Gazette." 25

When socie-
ties may be
wound up by
court.
(J. S. C. Act,
1862, s. 79,
& 80.)

67. A society may be wound up by the court : 30

(1.) Whenever the society has passed an extraordinary resolution requiring the society to be wound up by the court :

(2.) Whenever the society does not commence business within a year from its registration, or suspends business for one whole year : 35

(3.) Whenever the members are reduced to less than seven :

(4.) Whenever it is proved to the satisfaction of the court that the society is unable to pay its debts :

(5.) Whenever the court is of opinion that it is just and equitable that the society should be wound up. 40

Liability of
present and
past members

68. In the event of a society being wound up, every present and past member of such society shall be liable to contribute to the

assets of the society to an amount sufficient for payment of the debts and liabilities of the society, and the costs, charges, and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say,)

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in case of winding up. (Act of 1862, s. 20.)

(1.) No past member shall be liable to contribute to the assets of the society if he has ceased to be a member for one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the society contracted after the time when he ceased to be a member:

(3.) No past member shall be liable to contribute, unless it appears to the court that the amount required to satisfy all just demands upon the society cannot be obtained from the contributions of the existing members:

(4.) No contribution shall be required from any person exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a past or present member.

69. The term "contributory" shall mean every person liable to contribute as herein provided to the assets of a society in the event of the same being wound up, and shall also in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Meaning of "contributory." (J. S. C. Act, 1862, s. 74.)

70. In the event of a society being wound up the liability of a contributory shall be deemed to create a debt accruing due from such contributory at the time when his liability commenced, but payable at the time or respective times when calls are made, as herein provided for enforcing such liability; and it shall be lawful, in the case of the bankruptcy of a contributory, to prove against his estate the estimated value of his liability to future calls as well as calls already made.

Nature of liability of contributory. (J. S. C. Act, 1862, s. 75.)

71. If a contributory dies, either before or after he has been placed on the list of contributories herein mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to contribute to the assets of the society in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly.

Contributories in case of death. (J. S. C. Act, 1862, s. 76.)

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Contribu-
tories in case
of bank-
ruptcy.(J. S. C. Act,
1862, s. 77.)

72. If a contributory becomes bankrupt either before or after he has been placed on the list of contributories, his assigness shall be deemed to represent such bankrupt for all the purposes of the winding up, and shall be deemed to be contributories accordingly, and may be called upon to admit to proof against the estate of such bankrupt, 5 or otherwise to allow to be paid out of his assets in due course of law, any moneys due from such bankrupt in respect of his liability to contribute to the assets of the society.

Contribu-
tories in case
of marriage.
(J. S. C. Act,
1862, s. 78.)

73. If any female contributory marries either before or after she has been placed on the list of contributories, her husband shall 10 during the continuance of the marriage be liable to contribute to the assets of the society the same sum as she would have been liable to contribute if she had not married, and he shall be deemed to be a contributory accordingly; provided always, that a husband shall not be deemed a contributory in respect of any share or stock entered 15 in the name of his wife as being entitled to her separate use.

Commence-
ment of
winding up
by court.
(J. S. C. Act,
1867, s. 84.)

74. The winding-up of a society by the court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may
grant injunc-
tion.
(J. S. C. Act,
1862, s. 85.)

75. The court may, at any time after the presentation of a petition 20 for winding up a society, and before making an order for winding up the society, upon the application of the society or any creditor or contributory of the society, restrain further proceedings in any action, suit, or proceeding against the society, upon such terms as the court may think fit, and may also at any time after the presen- 25 tation of such petition, and before the first appointment of liquidators, appoint previously an official liquidator of the estate and effects of the society.

Course to be
pursued on
hearing
petition.
(J. S. C. Act,
1862, s. 86.)

76. Upon hearing the petition, the court may dismiss the same, with or without costs, may adjourn the hearing, conditionally or 30 unconditionally, and may make any interim order or any other order that it deems just.

Actions and
suits to be
stayed after
winding-up
order.
(J. S. C. Act,
1862, s. 87.)

77. When an order has been made for winding up a society, no suit, action, or other proceeding shall be proceeded with or com- 35 menced against the society, except with leave of the court, and subject to such terms as the court may impose.

Copy of
order to be
forwarded to
registrar.
(J. S. C. Act,
1862, s. 88.)

78. When an order has been made for winding up a society, a copy of such order shall forthwith be forwarded by the society to the registrar, who shall make a minute thereof in his books relating 40 to the society.

79. The court may, at any time after an order has been made for winding up a society upon the motion of any creditor or contributory to the society, and upon proof to the satisfaction of the court that all proceedings in relation to such winding-up ought to be stayed, 5 make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

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Power of court to stay proceedings. (J. S. C. Act, 1862, s. 89.)

80. The court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held, and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court. In the case of 15 creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the rules.

Court may have regard to wishes of creditors or contributories. (J. S. C. Act, 1862, s. 91.)

81. For the purpose of conducting the proceedings in winding up a society, and assisting the court therein, the court may appoint, at its discretion, either provisionally or otherwise, an official liquidator or official liquidators, and if more than one official liquidator is appointed shall declare whether any Act required or authorised to be done by the official liquidator is to be done by all or any one or more of such persons. The court may also determine whether any and what security is to be given by any official liquidator, and 25 if no official liquidator is appointed, or during any vacancy in such appointment, all the property of the society shall be deemed to be in the custody of the court.

Appointment of official liquidator. (J. S. C. Act, 1862, s. 92.)

82. An official liquidator may resign or be removed by the court, on due cause shown, and any vacancy in the office of an official liquidator shall be filled by the court. There shall be paid to the 30 official liquidator such salary or remuneration by way of per-centage or otherwise as the court may direct. If more than one official liquidator, such remuneration to be distributed among them in such proportion as the court directs.

Resignations, renewals, &c., and compensation of official liquidator. (J. S. C. Act, 1862, s. 93.)

83. The official liquidator shall be described by the style of the official liquidator of the particular society in respect of which he is appointed, and not by his individual name, and he shall take into his custody or under his control all property, effects, and things to which the society is or appears to be entitled, and shall perform such 40 duties in reference to the winding-up of the society as may be imposed by the court.

Style and duties of official liquidator. (J. S. C. Act, 1862, s. 94.)

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Powers of
official
liquidator.
(J. S. C. Act,
1862, s. 95.)

84. The official liquidator, with the sanction of the court, may,
Bring or defend any action, suit, prosecution, or other legal
proceeding, civil or criminal, in the name and on behalf of the
society :

Carry on the business of the society, so far as may be necessary 5
for the beneficial winding-up of the same.

Sell the real and personal, heritable and moveable property, effects,
and things in action of the society, by public auction or private
contract, as a whole or in parcels :

Do all acts and execute in the name and on behalf of the society 10
all deeds, receipts, and other documents, and for that purpose use,
when necessary, the society's seal :

Prove, rank, claim, and draw a dividend, in the matter of the
bankruptcy or sequestration of any contributory, for any balance
against the estate of such contributory, and take and receive 15
dividends in respect of such balance, in the matter of bankruptcy or
sequestration, as a separate debt due from such bankrupt, and
rateably with the other separate creditors :

Draw, accept, make, or endorse any bill of exchange or promissory
note in the name and on behalf of the society, and raise upon the 20
security of the assets of the society, from time to time, any requisite
sum or sums of money, the drawing, accepting, making, or en-
dorsing of every such bill of exchange or promissory note on behalf
of the society to have the same effect with respect to the liability of
such society as if such bill or note had been drawn, accepted, made, 25
or endorsed by or on behalf of such society in the course of carrying
on the business thereof :

Take out in his official name letters of administration to any
deceased contributory, and do, in his official name, any other neces- 30
sary act for obtaining payment of any moneys due from a contribu-
tory or from his estate, and which act cannot be conveniently done in
the name of the society, such moneys to be deemed to be due to the
official liquidator himself, for the purpose of enabling him to take
out letters of administration or otherwise to recover such moneys :

Do and execute all such other things as may be necessary or 35
expedient for winding up the affairs of the society and distributing
its assets.

Discretion
of official
liquidator.
(J. S. C. Act,
1862, s. 96.)

85. The court may provide, by any order, that the official liqui-
dator may exercise any of the above powers without the sanction
or intervention of the court, and may also, by the order appointing 40
provisionally an official liquidator, limit and restrict his powers.

86. The official liquidator may, with the sanction of the court, appoint a solicitor or law agent to assist him in the performance of his duties.

Appointment of solicitor to official liquidator. (J. S. C. Act, 1862, s. 47.)

87. As soon as may be after making an order for winding up the society, the court shall settle a list of contributories, with power to rectify the list of members and register of shares in all cases where such rectification is required, and shall cause the assets of the society to be collected and applied in discharge of its liabilities.

List of contributories, and collection and application of assets. (J. S. C. Act, 1862, s. 48.)

88. In settling the list of contributories the court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable to the debts of others. Where the personal representative of a deceased contributory is placed on the list, the heirs or devisees of such contributory may be added, if and when the court thinks fit.

Provision as to representative contributories. (J. S. C. Act, 1862, s. 99.)

89. The court may, at any time after making an order for winding up a society, require any contributory of the society for the time being settled on the list, trustee, receiver, banker, agent, or officer of the society, to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the society is *prima facie* entitled.

Power of court to order delivery of property. (J. S. C. Act, 1862, s. 100.)

90. The court may, at any time after making an order for winding up the society, order any contributory for the time being settled on the list of contributories to pay in manner in such order mentioned any moneys due from him or from the estate of the person whom he represents to the society, exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the court; provided that, when all the creditors of a society are paid in full, any moneys due on any account whatever to any contributory from the society may be allowed to him by way of set-off against any subsequent call or calls.

Power of court to order payment of debts by contributory. (J. S. C. Act, 1862, s. 101.)

91. The court may, at any time after making an order for winding up a society, and either before or after it has ascertained the sufficiency of the assets of the society, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories to the extent of their liability for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the society, and the costs, charges, and expenses of winding it up, and for the adjustment of

Power of court to make calls. (J. S. C. Act, 1862, s. 102.)

A.D. 1871. the rights of the contributories among themselves, and it may in making a call take into consideration the probability that some of the contributories on whom the same is made may partially or wholly fail to pay their respective portions of the same.

Power of court to order payment into bank.
(J. S. C. Act, 1862, s. 103, and 90., 30th December 1857.)

92. The court may order any contributory, purchaser, or other person from whom money is due to the society, to pay the same into the Bank of England or any branch thereof, or any other bank which the court thinks more convenient for the purpose, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account by court.
(J. S. C. Act, 1862, s. 104.)

93. All moneys, bills, notes, and other securities paid and delivered into the Bank of England or any branch thereof, or any other bank as aforesaid, in the event of a society being wound up by the court, shall be subject to such order and regulation for the keeping of the account of such moneys and other effects, and for the payment and delivery in or investment and payment and delivery out of the same, as the court may direct.

Provision in case of representative contributory not paying moneys ordered.
(J. S. C. Act, 1862, s. 105.)

94. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the personal and real estates of such deceased contributory, or either of such estates, and for compelling payment thereof of the moneys due.

Order conclusive evidence.
(J. S. C. Act, 1862, s. 106.)

95. Any order made by the court in pursuance of this Act upon any contributory shall be subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due or ordered to be paid, are due, and all other pertinent matters stated in such order are to be taken as truly stated as against all persons and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

Court may include creditors not proving within certain time.
(J. S. C. Act, 1862, s. 107.)

96. The court may fix a day or days on or within which creditors of the society are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

97. The court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

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The court to adjust rights of contributories.

(J. S. C. Act, 1862, s. 109.)

Court to order costs.
(J. S. C. Act, 1862, s. 110.)

98. The court may, if the assets be insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the society of the costs, charges, and expenses incurred in winding up the society, in such order of priority as the court thinks just.

99. When the affairs of a society have been completely wound up, the court shall make an order that the society be dissolved, and the society shall be dissolved accordingly from the date of such order.

Dissolution.
(J. S. C. Act, 1862, s. 111.)

100. The order dissolving a society shall be reported by the official liquidator thereof to the registrar, who shall make a minute accordingly in his books of the dissolution of such society; and if the official liquidator fails to report such order he shall be liable to a penalty not exceeding *five pounds* for every day during which he fails so to do.

Registrar to record dissolution. Penalty on not reporting.
(J. S. C. Act, 1862, s. 113.)

101. The court may, after it has made an order for winding up a society, summon before it any officer of the society, or person known or suspected to have in his possession any of the estate or effects of the society, or supposed to be indebted to the society, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate or effects of the society, and may require such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the society; and if any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, having no lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause such person to be apprehended, and brought before the court for examination, nevertheless, where a person claims a lien on papers, deeds, or documents produced by him, such production shall be without prejudice to such lien; and the court shall have jurisdiction, in the winding-up, to determine all questions relating to such lien.

Power of court to summon persons suspected of having property of society.
(J. S. C. Act, 1862, s. 115.)

102. The court may examine on oath, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate, or effects of the society, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by the court.
(J. S. C. Act, 1862, s. 117.)

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Power to
arrest con-
tributory
about to
abscond or to
remove, or
conceal pro-
perty.
(J. S. C. Act,
1862, s. 118.)

103. The court may, at any time before or after it has made an order for winding up a society, on proof given that there is probable cause for believing that any contributory to such society is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his goods or chattels for the purpose of evading 5 payment of moneys due or of calls, or for avoiding examination in respect of the affairs of the society, cause such contributory to be arrested, and his books, papers, moneys, securities for moneys, goods, and chattels, to be seized, and him and them to be safely kept until such time as the court may order. 10

Power of
court cumu-
lative.
(J. S. C. Act,
1862, s. 119.)

104. Any powers by this Act conferred on the court shall be in addition to and not in restriction of any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the society, for the recovery of any call or other sums due from 15 such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Order made
in England
to be en-
forced in
Scotland and
Ireland.
(J. S. C. Act,
1862, s. 122.)

105. Orders made by the court in England for or in the course of the winding-up of a society shall be enforced in Scotland and Ireland respectively, and orders and interlocutors and decrees made 20 by the court in Scotland for or in the course of the winding-up of a society shall be enforced in England and Ireland respectively, and orders made by the court in Ireland for or in the course of the winding up of a society shall be enforced in England and Scotland 25 respectively by the courts that would respectively have had juris- diction in respect of such society if the registered office of the society had been situate in the division of the United Kingdom where the order, interlocutor, or decree is required to be enforced, and in the same manner in all respects as if the same had been 30 made by the court hereby required to enforce the same in the case of a society within its own jurisdiction.

Mode of
dealing with
orders to be
enforced by
other courts.
(J. S. C. Act,
1862, s. 123.)

106. Where an order, interlocutor, or decree made by one court is required to be enforced by another court, as herein provided, an office copy of such order, interlocutor, or decree shall be produced to the proper officer of the court required to enforce the same, and 35 the production of such office copy shall be sufficient evidence of such order, interlocutor, or decree having been made, and there- upon such last-mentioned court shall take such steps in the matter as may be requisite for enforcing such order, interlocutor, or decree, in the same manner as if it were the order, interlocutor, or decree 40 of the court enforcing the same.

107. Rehearings of and appeals from any order or decision made or given in the matter of the winding up of a society by any court having jurisdiction under this Act may be had in the same manner and subject to the same conditions in and subject to which appeals
 5 may be had from any order or decision of the same court, in cases within its ordinary jurisdiction, but no such rehearing or appeal shall be heard unless notice of the same is given within three weeks after the order complained of has been made, in manner in which notices of appeal are ordinarily given, according to the practice of
 10 the court appealed from, unless such time is extended by the court of appeal.

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 Appeals
 from orders.
 (J. S. C. Act,
 1862, s. 124.)

108. The registrars of the London Bankruptcy Court within the London bankruptcy district, and the judges of the county courts outside such district, and the commissioners of bankrupt, chairmen
 15 of quarter sessions and recorders in Ireland, and the sheriffs of counties in Scotland, shall be commissioners for taking evidence under this Act in cases where a society is wound up in any part of the United Kingdom, and the court may refer the whole or any part of the examination of any witnesses under this Act to any per-
 20 son hereby appointed commissioner, although such person is out of the jurisdiction of the court that made the order or decree for winding up the company; and every such commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents, and certifying or
 25 punishing defaults by witnesses, which he might lawfully exercise as a registrar of the London Bankruptcy Court, judge of a county court, commissioner of bankrupt, chairman of quarter sessions, warder, or sheriff, have in the matter so referred to him all the same powers of summoning and examining witnesses, requiring the
 30 production or delivery of documents, punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the court which made the order for winding up the society has; and the examination so taken shall be returned or rejected to such last-mentioned court in such manner as it directs.

Special com-
 missioners
 for receiving
 evidence.
 (J. S. C. Act,
 1862, s. 126.)

35 109. The court may direct the examination in Scotland of any person for the time being in Scotland, whether a contributory of the society or not, in regard to the estate, dealings, or affairs of any society in course of being wound up, or of any person being a contributory of the society, so far as the society may be interested
 40 therein by reason of his being such contributory; and the order or commission to take such examination shall be directed to the sheriff of the county in which the person to be examined resides or happens

Court may
 order exa-
 mination of
 persons in
 Scotland.
 (J. C. S. Act,
 1862, s. 127.)

A.D. 1871. to be for the time; and the sheriff shall summon such person to appear before him at a time or place to be specified in the summons, for examination upon oath as a witness or as a haver, and to produce any books, papers, deeds, or documents called for which may be in his possession or power; and the sheriff may take such examination either orally or upon written interrogatories, and shall report the same in writing in the usual form to the court, and shall transmit with such report books, papers, deeds, or documents produced, if the originals thereof are required and specified by the order, or otherwise such copies thereof or extracts therefrom, authenticated by the sheriff, as may be necessary; and in case any person so summoned fails to appear at the time and place specified, or appearing refuses to be examined or to make the production required, the sheriff shall proceed against such person as a witness or haver duly cited, and failing to appear or refusing to give evidence or make production, may be proceeded against by the law of Scotland; and the sheriff shall be entitled to such and the like fees, and the witness shall be entitled to such and the like allowances, as sheriffs, when acting as commissioners under appointment from the Court of Session, and as witnesses and havers, are entitled to in the like cases according to the law and practice of Scotland. If any objection is stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required to be made, or on any other ground whatever, the sheriff may, if he thinks fit, report such objection to the court, and suspend the examination of such witness until such objection has been disposed of by the court.

Commencement of voluntary winding-up. (J. S. C. Act, 1862, s. 130.)

110. A voluntary winding-up of a society shall be deemed to commence on the day when the signatures of three fourths of the members shall have been affixed to the proposed plan of winding up: Provided always, that in default of proof to the contrary, where the signatures of such three fourths shall have been obtained, they shall be deemed to have been obtained on the day on which such plan is dated.

Effect of voluntary winding-up on estates of society and its members. (J. S. C. Act, 1862, s. 131.)

111. Whenever a society is wound up voluntarily, the society shall, from the date of the commencement of such winding-up, cease to carry on its business, except so far as may be required for the beneficial winding-up thereof; and all transfers of shares, except transfers made with the sanction of the society or its liquidators (if any), or alterations in the status of the members of the society (other than the marriage of a female member), taking place after the commencement of such winding-up, shall be void, but its

corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the society are wound up. A.D. 1871.

112. If the plan of winding up of a society provides for the appointment of liquidators, such liquidators may (except so far as it may be otherwise provided by the plan)— Powers of liquidators in voluntary winding-up. (J. S. C. Act, 1862, s. 133.)

Exercise all powers by this Act given to the official liquidator :

Exercise the powers of this Act given to the court of settling the list of contributions of the society, which list, when settled, shall be *prima facie* evidence of the liability of the persons named therein to be contributories :

Before they have ascertained the sufficiency of the assets of the society, require any contributory to pay moneys due from him or from the person whom he represents to the society, and also call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay all or any sums which the liquidators deem necessary to satisfy the debts and liabilities of the society, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

113. If there be no liquidators, the society may by itself, or by any of its officers duly appointed for the purpose, according to the rules or to the plan of winding up, exercise all or any of the foregoing powers. If no liquidators, powers may be exercised by society.

114. Any arrangement entered into between a society about to be wound up voluntarily or in course of being wound up voluntarily and its creditors shall be binding on the society if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three fourths in number and value of the creditors, subject to such right of appeal as herein mentioned. Arrangement, when binding on creditors. (J. S. C. Act, 1862, s. 136.)

115. Any creditor or contributory of a society that has entered into an arrangement with its creditors as herein provided may, within three weeks from the date of the completion of such arrangement, appeal to the court against such arrangement, and the court may thereupon, as it thinks just, amend, vary, or confirm the same. Power of creditor or contributory to appeal against arrangement. (J. S. C. Act, 1862, s. 132.)

116. Where a society is being wound up voluntarily, the society or the liquidators (if any) or any contributory may apply to the

A.D. 1871. court to determine any question arising in the matter of such winding-up, or to exercise, as respects the enforcing of calls or in respect of any other matter, all or any of the powers which the court might exercise if the society were being wound up by the court, or to supervise the winding-up; and the court, if satisfied 5 that the determination of such question, or the required exercise of power, or the supervision by it of the winding-up, will be just and beneficial, may accede wholly or partly to such application, on such terms and conditions as the court thinks fit, or may make such other order or decree on such application as the court thinks just. 10

Voluntary winding-up to be reported. Penalty on not reporting. 117. Notice of the commencement and termination of every voluntary winding-up, and also of every winding-up under the supervision of the court, shall be sent to the registrar by the society or the liquidators (if any), and recorded by the registrar; and on the expiration of three months from the date of the termination of 15 the same being recorded, unless the court order otherwise, upon a petition presented to it before the expiration of such three months, the society shall be deemed to be dissolved. If the society or the liquidators make default in reporting to the registrar the commencement or termination of any voluntary winding-up, such society or 20 such liquidators shall be liable to a penalty not exceeding *five pounds* for every day during which such default shall last.

In winding up under supervision, court may apply provisions as to winding up by court. 118. In the winding up of a society under the supervision of the court the court may adopt any proceedings already taken in the voluntary winding-up of the same, and may adopt and apply such 25 and such parts of the provisions of this Act relating to the winding up of societies by the court, and to the voluntary winding-up of societies, and also such and such parts of the plan of winding up of the society, and may combine the same in such manner as it shall think fit in any particular case; but, except so far as the 30 court may otherwise order from time to time, an order for winding up a society under the supervision of the court shall for all purposes, including the staying of actions, suits, and other proceedings, have the same effect as an order for winding up the society by the court. It shall always be lawful for the court at any time 35 to supersede an order for winding up a society under the supervision of the court, by an order for winding up a society by the court.

Power of court to adopt proceedings of voluntary winding-up. (J.S.C. Act, 1862, s. 146.) 119. Where an order shall be made for the winding up by the court of a society in course of being wound up voluntarily or under the supervision of the court, the court may, in the same or any 40 other order, adopt all or any of the proceedings for the time being taken in the course of the voluntary winding-up, or winding up under supervision.

120. All costs, charges, and expenses properly incurred in the voluntary winding-up of a society shall be payable out of the assets, in priority to all other claims.

Costs of voluntary winding-up. (J. S. C. Act, 1862, s. 144.)

121. The voluntary winding-up of a society shall not be a bar to the right of any creditor to have the same wound up by the court, if the court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors. (J. S. C. Act, 1862, s. 145.)

122. Where a society is being wound up by or under the supervision of the court, all dispositions of the property, effects, and things in action of the society, and every transfer of shares or alteration in the status of the members of the society (other than the marriage of a female shareholder), made between the commencement of the winding-up and the order for winding up, shall, unless the court otherwise orders, be void.

Dispositions after commencement of winding up avoided. (J. S. C. Act, 1862, s. 153.)

123. Where any society is being wound up, all books, accounts, and documents of the society, and of the liquidators (if any), shall, as between the contributories, be *primâ facie* evidence of the truth of all matters purporting to be then recorded.

Books of society to be evidence. (J. S. C. Act, 1862, s. 154.)

124. Where any society has been wound up under this Act, and is about to be dissolved, the books, accounts, and documents of the company and of the liquidators, if any, may be disposed of as follows; *videlicet*, where the society has been wound up by or under the supervision of the court, in such way as the court directs, and where the society has been wound up voluntarily, in such manner as is directed by the plan of winding up, or if no direction for the purpose be therein contained, then as an extraordinary resolution of the society may direct; but after five years from the date of the dissolution no responsibility shall be on the society or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them are not forthcoming.

As to disposal of books, accounts, and documents of the society. (J. S. C. Act, 1862, s. 155.)

125. Where an order has been made by the court for winding up the said society, the court may make such order for the inspection by the creditors and contributories of its books and papers as the court thinks just; and any books and papers in the possession of the society may be inspected by creditors or contributories, in conformity with the order of the court, but not further or otherwise.

Inspection of books. (J. C. S. Act, 1862, s. 156.)

126. Any person to whom anything in action belonging to the society is assigned in pursuance of this Act, may bring or defend any action or suit relating to such thing in action in his own name.

Power of assignee to sue. (J. C. S. Act, 1862, s. 157.)

A.D. 1871.

Debt of all
descriptions
to be proved.
(J. C. S. Act,
1862, s. 158.)

127. In the event of a society being wound up under this Act, all debts payable on a contingency, and all claims against the society, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the society, a just estimate being made, so far as possible, of the value 5 of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

General
scheme of
liquidation
may be sanc-
tioned.
(J. C. S. Act,
1862, s. 159.)

128. The liquidators may, with the sanction of the court where the society is being wound up by or under the supervision of the 10 court, and with the sanction of an extraordinary resolution where the society is being wound up voluntarily, or where there are no liquidators the society being wound up may by authority of an extraordinary resolution pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators 15 may deem expedient, with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the society, or whereby the society may be rendered liable. 20

Power to
compromise.
(J. C. S. Act,
1862, s. 160.)

129. The liquidators may, with the sanction of the court where the society is being wound up by or under the supervision of the court, and with the sanction of an extraordinary resolution where the society is being wound up voluntarily, or where there are no liquidators the society being wound up may by authority of an 25 extraordinary resolution compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the society and any contributory or alleged contributory 30 or other debtor or person apprehending liability to the society, and all questions in any way relating to or affecting the assets of the society or the winding-up, upon the receipt of such sums payable at such times, and generally upon such terms as may be agreed upon, with power for the liquidators or the society respectively to 35 take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts, or liabilities.

Power to
accept shares
or transfer of
business, &c.
to another
society.
(J. S. C. Act,
1862, s. 161.)

130. Where a society is proposed to be or is in course of being wound up voluntarily, and the whole or a portion of its business or 40 property is proposed to be transferred or sold to another society, the first-mentioned society or its liquidators, if any, may, by virtue or

with the sanction of an extraordinary resolution of such society, receive in compensation or part compensation for such transfer or sale shares or other interests in such other society, for the purpose of distribution amongst the members of the society being wound up, or may enter into any other arrangement whereby the members of the society being wound up may, in lieu of receiving cash, shares, or other interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing society; and any sale made or arrangement entered into in pursuance of this section shall be binding on the members of the society being wound up, except that any one of such members in favour of the extraordinary resolution passed by the society of which he is a member at either of the meetings held for passing the same, if he dissents from such extraordinary resolution, in writing addressed to the society or to the liquidators, if any, and left at the office of the society not later than seven days after the date of the second meeting at which such extraordinary resolution was passed, may require the society or the liquidators, if any, at their option, either to abstain from carrying such motion into effect, or to purchase the interests held by such dissentient member, at a price to be determined in manner herein-after mentioned, such purchase money to be paid before the society is dissolved, and to be raised in such manner as may be determined by extraordinary resolution. No extraordinary resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the society, or for appointing liquidators.

131. The price to be paid for the purchase of the interest of a dissentient member, if not determined by agreement, shall be settled by arbitration under the provisions of the Companies Clauses Act, 1845, with respect to the settlement of disputes by arbitration, which provisions shall be incorporated with this Act, and in the construction of such provisions this Act shall be deemed to be the special Act, and "the company" shall mean "the society" being wound up; and any appointment by the said incorporated provisions directed to be made under the hand of the secretary or any two of the directors may be made under the hand of the liquidator, if only one, or any two or more of the liquidators, if more than one, or of any other person or persons who may be appointed for that purpose, in the place of winding up of the society.

Mode of
determining
price of
shares.
(J. S. C. Act,
1862, s. 162.)

132. Where any society is being wound up by or under the supervision of the court, any attachment, sequestration, distress, or

Certain at-
tachments,
&c. to be
void.

A.D. 1871. execution put in force against the estate or effects of the society after the commencement of the winding-up shall be void to all intents.
(J. S. C. Act, 1862, s. 163.)

Fraudulent preference.
(J. S. C. Act, 1862, s. 164.) **133.** Any conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property which would, if made 5 or done by or against any individual trader, be deemed in the event of his bankruptcy to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any society, be deemed, in the event of such society being wound up under this Act, to have been made or done 10 by way of undue or fraudulent preference of the creditors of such society, and shall be invalid accordingly; and for the purposes of this section the presentation of a petition for winding up a society shall, in the case of a society being wound up by the court, and an extraordinary resolution for winding up the society shall, in the 15 case of a voluntary winding-up, be deemed to correspond with the act of bankruptcy in the case of an individual trader, and any conveyance or assignment made by a society of all its estate and effects to trustees for the benefit of all its creditors shall be void to all intents. 20

Power of court to assess damages against delinquent directors and officers.
(J. S. C. Act, 1862, s. 165.) **134.** Where, in the course of the winding-up of a society, it appears that any past or present director, manager, member of committee, official or other liquidator, or any officer of such society, has misapplied or retained in his own hands or become liable or accountable for any moneys of the society, or been guilty of any 25 misfeasance or breach of trust in relation to the society, the court may, on the application of any liquidator, creditor, or contributory, notwithstanding that the offence is one for which the offender is immediately responsible, examine into the conduct of such director, manager, member of committee, or other officer, and compel him to 30 repay any money so misapplied or retained, or for which he has become liable or accountable, to go in with interest after such rate as the court thinks just, or to contribute such sum of money to the assets of the society by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the 35 court thinks just.

Prosecution of delinquent directors, &c. in winding up by the court.
(J. S. C. Act, 1862, s. 167.) **135.** If in the course of the winding-up of a society by or under the supervision of the court it shall appear to the court that any past or present director, manager, member of committee, officer, or member of such society has been guilty of an offence in relation to 40 the society for which he is immediately responsible, the court may, on the application of any person interested in such winding-up, or

of its own motion, direct the official liquidators, or such other person as it shall appoint, to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the society. A.D. 1871.

5 **136.** When a society is being wound up voluntarily, if it appear to the liquidators or to the society that any past or present director, manager, member of committee, officer, or member of such society has been guilty of an offence towards the society for which he is immediately responsible, it shall be lawful for such liquidators or
10 for the society, with the previous sanction of the court, to prosecute such offender, and all expenses properly incurred by them in such prosecution shall be payable out of the assets of the society, in priority to all other liabilities.

Prosecution of delinquent directors in voluntary winding-up. (J. S. C. Act, 1862, s. 168.)

15 **137.** It shall be lawful for a society or for any member, but not for a creditor of a society, in any case in which a petition might lie to the court for winding up the society by the court, to apply to the registrar to wind up the same; and the registrar shall in regard to such petition, and consequently therein, have all the same powers, authorities, and jurisdiction as are hereby given or allowed
20 to the court in and about the winding-up of a society; and all orders of the registrar, and all proceedings thereon, shall be as valid and effective, and shall take effect in the same manner, and be enforced in the same manner and by the same officers, as if they had been orders, interlocutors, or decrees (as the case may be) of
25 the court which would have had jurisdiction in the winding-up if petition had been made to such court for the same; and all provisions in this Act contained relating to the winding-up of a society by the court shall apply to the winding-up of a society by the registrar: Provided always, that in any winding-up of a society by
30 the registrar it shall be incumbent on the registrar to make the necessary entries in his books of all such matters as are hereby required to be reported to him in the case of a winding-up by any other process, without any report being so made, nor shall any penalty, for the non-reporting to him of any such matters.

Application may be made to registrar to wind up society.

35 **138.** The registrar shall have power from time to time to make general rules, and also to fix a scale of costs and charges for and in respect of all proceedings to be taken before him in any winding-up of a society by the registrar, such costs and charges not to exceed the costs and charges which would have been payable for or in
40 respect of the same proceedings in a winding-up by the court.

Registrar may fix scale of costs.

139. If any director, officer, member, or contributory of any society, with intent to defraud or deceive any person, destroys,

Punishment for falsification of books.

A.D. 1871. mutilates, alters, or falsifies any books, papers, writings, or securities
(J. S. C. Act, of or relating to the society, or makes or is privy to the making of
1862, s. 166.) any false or fraudulent entry in any register book of account or
other document of or relating to the society, every person so offend-
ing shall be deemed to be guilty of a misdemeanor, and upon being 5
convicted shall be liable to imprisonment for any term not exceed-
ing *two years*, with or without hard labour.

Punishment
of fraud in
withholding
money, &c.
(F. S. Act,
1855, s. 24.)

140. If any person whomsoever, by false representation or im-
position, obtains possession of any moneys, securities, books, papers,
or other effects of a society, or, having the same in his possession, 10
withholds or misapplies the same (and which misapplying shall
include the wilfully applying any part thereof to purposes other
than those expressed or directed in the rules), he shall be liable, on
summary conviction, to a penalty not exceeding *twenty shillings*,
with costs not exceeding *twenty shillings*, and to be ordered to 15
deliver up to the society all such moneys, securities, books, papers,
or other effects, or to repay the amount of money applied im-
properly, and in default of such delivery of effects, or repayment of
moneys or part of such penalty and costs as aforesaid, to be im-
prisoned, with or without hard labour, for any time not exceeding 20
three months; but nothing therein contained shall prevent any such
person from being proceeded against by way of indictment, if a
conviction has not been previously obtained against him for the
same offence under the provisions of this Act.

Affidavits,
&c. may be
sworn in
Ireland,
Scotland, or
the colonies
before any
competent
court or
person.
(J. S. C. Act,
1862, s. 128.)

141. Any affidavit, affirmation, or declaration required to be 25
sworn or made under the provisions or for the purposes of this Act
may be lawfully sworn or made in Great Britain or Ireland, or in
any colony, island, plantation, or place under the dominion of Her
Majesty in foreign parts, before any court, judge, or person lawfully
authorised to take and receive affidavits, affirmations, or declarations, 30
or before any of Her Majesty's consuls or vice-consuls in any
foreign parts out of Her Majesty's dominions; and all courts,
judges, justices, commissioners, and persons acting judicially shall
take judicial notice of the seal or stamp or signature (as the case
may be) of any such court, judge, person, consul, or vice-consul 35
attached, appended, or subscribed to any such affidavit, affirmation,
or declaration, or to any other document to be used for the purposes
of this Act.

Penalty of
perjury.
(J. S. C. Act,
1862, s. 169.)

142. If any person, upon any examination upon oath or affir-
mation authorised under this Act, or in any affidavit, deposition, or 40
solemn affirmation in or about the winding-up of any society under
this Act, or otherwise in or about any matter arising under this

Act, wilfully and corruptly give false evidence, he shall upon conviction be liable to the penalties of wilful perjury. A.D. 1871.

143. All penalties imposed by this Act, or by the rules of any society, shall be recoverable, with costs, at the suit of the registrar in the case of penalties imposed by this Act, and at the suit of the society in the cases of penalties imposed by the rules, before two or more justices as to England, in manner directed by an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales, with respect to summary convictions and orders," and as to Scotland before two or more justices or the sheriff of the county, in manner directed by an Act passed in the seventeenth and eighteenth years of the reign of Her said Majesty, chapter one hundred and four, intituled "An Act to amend or consolidate the Acts relating to merchant shipping," as regards offences in Scotland against that Act, not being offences by that Act described as felonies or misdemeanors, and as to Ireland in manner directed by an Act passed in the fourteenth and fifteenth years of the reign of Her said Majesty, chapter ninety-three, intituled "An Act to consolidate and amend the Acts regulating the proceedings of petty sessions, and the duties of justices of the peace out of quarter sessions in Ireland," or any Act passed for the amendment of the above-mentioned Acts; and the justices or sheriff imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, and subject to such direction all penalties shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Recovery of penalties.
(Act of 1867, S. C. F. S. Act, 1860, s. 7.)

144. In Scotland the sheriff within his county, and in Ireland one or more justices of the peace, shall have the same jurisdiction on summary proceeding as is hereby given to one or more justices of the peace (such jurisdiction being, as respects the sheriff in Scotland, in addition to that given to him as the court within the meaning of this Act), but the complaint in Ireland shall be heard and determined in manner directed by the said Act passed in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter ninety-three.

Sheriffs jurisdiction in Scotland, &c.
(Act of 1862, s. 23. F. S. Act, 1858, s. 1.)

145. Whenever under this Act proceedings for the recovery of any penalty are authorised to be taken by the registrar in respect of

As to proceedings by the registrar for penalties.

[188.]

F

A.D. 1871. any offence or default by a society, or by any officer of a society, such offence or default shall, at the option of the registrar, be deemed to have been committed either at the office of the registrar or at the office of the society, and the penalty may be sued for and recovered accordingly. 5

General
orders and
scale of costs.
(J. S. C. Act,
1867, s. 44,
45.)

146. The general orders, rules, and forms now in force for regulating the practice of the county courts, and forms of proceeding therein, and the scale of costs and charges to be paid to counsel and attornies, now in force in respect to the winding-up of industrial and provident societies, shall continue in force (but subject to the provisions of this Act) until amended as after mentioned; but it shall be lawful for the county court judges appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts, and forms of proceedings therein, under the thirty-second section of an Act 15 passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and eight, from time to time to amend such orders, rules, and forms, and such scale of costs; and such amended orders, rules, and forms, and scale of costs, certified under the hands of such judges or any three of them, shall from 20 time to time be submitted to the Lord Chancellor, who may allow or disallow or alter the same; and the orders, rules, and forms, and scale of costs, so allowed or altered, shall from a day to be named by the Lord Chancellor be in force in every county court.

Orders, &c.
in Ireland
and Scotland.
(F. S. Act,
1855, s. 43.)

147. The Lord Chancellor of Ireland may make such orders for 25 regulating the proceedings by and before the civil bill courts under this Act as he may think fit, and in Scotland the Court of Session shall have the like power by Act of Sederunt, so far as respects proceedings by and before sheriffs under this Act, and subject to such orders and Acts of Sederunt respectively such civil 30 bill courts and sheriffs may regulate the proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

Remunera-
tion of regis-
trars and
high bailiffs
of county
courts.
(J. S. C. Act,
1867, s. 46.)

148. The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this 35 Act by receiving for their own use such fees as have been or as may be hereafter from time to time authorised to be taken by any orders made or to be made by the Commissioners of the Treasury, with the consent of the Lord Chancellor, and the Commissioners of the Treasury are hereby authorised and empowered with such consent 40 as aforesaid to make orders accordingly; provided that it shall be lawful for the said Commissioners, with the like consent, to order

that after a date named any registrar or high bailiff shall, in lieu of fees, be paid such fixed or fluctuating allowance as may in each case be thought just, and after such date the said fees shall be accounted for and paid over by such registrar or high bailiff in
5 manner to be directed in such order.

149. Any society may be constituted a company under the Companies Act, 1862, and the Acts amending the same, by conforming to the provisions set forth in such Act, and thereupon shall cease to be entitled to the benefits of this Act, or to be deemed a
10 society under this Act, except as after mentioned: Provided always, that notice of the registration of a society under the Companies Acts shall be given to the registrar within seven days after such registration (who shall thereupon record the same), and in default of giving such notice such society shall be liable to a penalty of
15 *five pounds*: Provided also, that no registration of a society as a joint stock company shall affect the right or claim of a creditor of such society; and that for the purpose of enforcing the rights of such creditor, and also for the purpose of enforcing such penalty as aforesaid for default in giving notice of such registration, the
20 society may, either at the option of such creditor or of the registrar (as the case may be), be considered as subsisting, and be sued and proceeded against accordingly, notwithstanding such registration under the Companies Acts, or may be sued and proceeded against in respect of such right, claim, or penalty by its new registered
25 name as a joint stock company; and every such right or claim, or the liability to such penalty, shall have priority, as against the assets of such company, over all other rights or claims against or liabilities of such company.

A.D. 1871.

Society may be registered under Companies Act. (Act of 1862, s. 21.)

A.D. 1871.

SCHEDULE A.

FORMS OF CERTIFICATE, &c. TO BE GIVEN UNDER THIS ACT.

Certificates to follow Rules on Registration of a Society.

I hereby certify, that the foregoing rules of the
Society, Limited, are conformable to the Industrial and Provident
Societies Act, 1871, and not contrary to law, and that the said 5
society established at _____ in the county of _____
is registered under the said Act.

Given under my hand, this _____ day of _____ .

Registrar of Friendly Societies in
(England, Scotland, *or* Ireland). 10

Certificate of Alteration of Rules.

I hereby certify, that the foregoing alterations of (or additions to)
the rules of the _____ Society, Limited, established
at _____ in the county of _____ are conform-
able to the Industrial and Provident Societies Act, 1871, and not 15
contrary to law, and are registered from the present date under the
said Act.

Given under my hand, this _____ day of _____ .

Registrar of Friendly Societies in
(England, Scotland, *or* Ireland). 20

Certificate of changed Name.

I hereby certify, that the society heretofore registered as the
_____ Society, Limited, established at _____
in the county of _____ , is from the date hereof
registered as the _____ Society, Limited. 25

Given under my hand, this _____ day of _____ .

Registrar of Friendly Societies in
(England, Scotland, *or* Ireland).

Form of Declaration to accompany Alterations of or Additions to Rules.

[*State street, parish, and*
county of registered
office.] } Register No. Society, Limited,
5 established at
I, of , the clerk (secretary
or other officer) of the above-named society, do solemnly and
sincerely declare, that in the altering, amending, or rescinding the
rules of the said society, or making new rules [*as the case may be*],
10 the rules of the said society have been duly complied with; and
I make this solemn declaration conscientiously believing the same
to be true, and by virtue of the provisions of an Act made and
passed in the fifth and sixth years of the reign of His late Majesty
King William the Fourth, intituled "An Act to repeal an Act of
15 " the present session of Parliament, intituled 'An Act for the more
" ' effectual abolition of oaths and affirmations taken and made in
" ' various departments of the State, and to substitute declarations in
" ' lieu thereof, and for the more entire suppression of voluntary and
" ' extra-judicial oaths and affidavits;' and to make other provisions
20 " for the abolition of unnecessary oaths."

Taken and received before me, one of Her Majesty's justices of
the peace for the said county of , at
in the said county, this day of 18 .

SCHEDULE B.

25 *Form of Bond by Officer of a Society.*

KNOW all men by these presents, that we, *A.B.* of
(treasurer, or other officer) of the Society, Limited,
established at in the county of , and
C.D. of (as surety on behalf of the said *A.B.*), are
30 jointly and severally held and firmly bound to the said society in
the sum of pounds to be paid to the said society or its certain
attorney, for which payment well and truly to be made we jointly
and severally bind ourselves, and each of us by himself, our and
each of our heirs, executors, and administrators, firmly by these
35 presents. Sealed with our seals.

Dated the day of in the year of our
Lord.
[188.] F 3

A.D. 1871. The condition of the above-written bond is such, that if the said
— *A.B.* shall, so long as he shall remain of the said
 Society, Limited, justly and faithfully execute and
fulfil this said office, and render a just and true account of all
moneys received and paid by him on behalf of the said society, at 5
such times as the rules of the society for the time being may
appoint, or as (the directors *or* committee) of the said society, or
the members of the said society in general meeting assembled, shall
from time to time require, and shall also from time to time or at
any time duly pay over all moneys remaining in his hands, and 10
assign, transfer, or deliver all securities and effects, books, papers,
and property of or belonging to the society in his hands or custody
to the said society, or to such person or persons as the said society
shall from time to time appoint to receive the same, according to
the rules of the said society, or by extraordinary resolution in that 15
behalf, together with the legal or proper receipts or vouchers for
such payments, then the above-written bond shall be void; other-
wise shall remain in full force and virtue.

Industrial and Provident Societies Amendment.

A

B I L L

For the consolidation and amendment of the
Laws relating to Industrial and Provident
Societies.

*(Prepared and brought in by
Mr. Thomas Hughes, Mr. Morrison, Sir Charles Adderley,
Mr. Thomas Brassey, and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
12 June 1871.*

[Bill 188.]

Under 6 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Explain and amend the Law relating to Industrial and Provident Societies. A.D. 1871.

WHEREAS by "The Industrial and Provident Societies Act, 1867," s. 4, it is enacted, that upon such certificate as therein mentioned being granted to a society by the Registrar of Friendly Societies in England, Scotland, or Ireland, the members of such
5 society shall become a body corporate by the name therein described, having a perpetual succession and a common seal, with power to purchase, erect, and sell and convey, or to hold lands and buildings with limited liability:

10 And whereas doubts have arisen as to the operation of the said provision, and it is expedient to remove the same, and also to amend the said Act, for the giving better effect to the said provision, and for the purposes after mentioned:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
15 and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The rules of any industrial or provident society may provide from time to time for the erection of any houses, cottages, or other buildings on any lands from time to time held by the society,
20 and for the altering or pulling down and again rebuilding of any buildings, whether erected by the society or otherwise vested in it; and for the management, laying out, leasing, and sub-leasing (whether at rackrent on building, mining, quarrying, or improving leases, or otherwise howsoever, and whether to members of the
25 society or other persons,) and for the disposal and sale from time to time, whether to members or other persons, of any lands or buildings for the time being held by the society; and for the appropriation of the purchase moneys, rents, and other moneys to be received in respect of any lands or buildings; and for the
30 advancing of any moneys, and for the borrowing of any moneys

Power to
build, sell,
lease, mort-
gage, &c.

[Bill 240.]

A

A.D. 1871. — by the society to or from either members or other persons, on the security of real or personal property; and for the receiving by the society of deposits or loans, at interest, from members or other persons; and the rules may prescribe the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or 5 loan, or other instrument necessary for carrying the purposes of the society into execution.

As to copy-
holds.

2. Where any society shall have become entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lords or ladies of the 10 manors of which the same are held shall from time to time, if the society shall so require, admit such person or persons (not to exceed three) as such society shall appoint to be a trustee or trustees on its behalf as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of 15 a single tenant, or may admit the society as tenant in respect of the same on payment of such special fine, or compensation in lieu of fine, and fees, as may be agreed upon between such lord or lady and the society.

Receipt
indorsed on
mortgage to
be sufficient
discharge
without re-
conveyance.

3. A receipt under the seal of a society, countersigned by the 20 secretary, for all moneys secured to the society by any mortgage or other assurance, such receipt to be in the form specified by the rules or any schedule thereto, and to be endorsed upon or annexed to such mortgage or other assurance, shall vacate the same, and vest the estate of and in the property therein comprised in the person 25 entitled to the equity of redemption of the same, or in such person as the society may direct, without any reconveyance or resurrender whatever; and if such mortgage or other assurance has been registered under the Acts for the registration of deeds in Middlesex, Yorkshire, or Ireland, or recorded under the Record of Title Act, 30 Ireland, or, in the case of copyholds or lands of customary tenure, entered on any court rolls, the registrar under the said Acts respectively, or his deputy or assistant registrar in Ireland, or the recording officer, as the case may be, or the steward of the manor or his deputy respectively, shall, on production of such receipt, 35 verified by oath of one of the witnesses thereto, enter satisfaction on the register or on the court rolls respectively of such mortgage, or of the charge made by such assurance, and shall grant a certificate either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all 40 courts and proceedings without further proof; and such registrar, recording officer, or steward shall be entitled to a fee of two

shillings and sixpence for making the said entry and granting the said certificate; and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are now by law directed to be paid and
5 applied. A.D. 1871.

4. All loans made or contracted, securities given or taken, assurances and deeds executed, agreements and engagements entered into, proceedings taken, and acts done or suffered before the passing of this Act, by, to, with, in trust for, or on account of a
10 society existing at the commencement of this Act, which, if made, contracted, given, taken, executed, entered into, done, or suffered respectively after the passing of this Act would have been valid, are hereby confirmed and made valid. Confirmation of loans, &c. which before passing of Act would have been valid under this Act if made.

5. The powers by this Act conferred on any society shall be
15 construed as explanatory of or in addition to any powers conferred by the fourth section of "The Industrial and Provident Societies Act, 1867," and not as restricting the same. Construction of Act.

6. This Act may be cited as "The Industrial and Provident
Societies Act, 1871." Short title.

Industrial and Provident Societies Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To explain and amend the Law relating
to Industrial and Provident Societies.

(Prepared and brought in by
Mr. Thomas Hughes, Mr. Morrison,
Sir Charles Adderley, Mr. Thomas Brassey, and
Mr. William Henry Smith.)

Ordered, by The House of Commons, to be Printed.
12 July 1871.

[Bill 240.]

Under 1 oz.

A
B I L L
FOR

The better Protection of Infant Life.

A.D. 1871.

WHEREAS it is expedient to make better provision for the Preamble.
protection of infants entrusted to persons to be nursed or
maintained for hire or reward :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. In this Act, if not inconsistent with the context, the following Interpretation
terms shall have the meanings herein-after respectively assigned to
10 them ; that is to say,—

“The licensee” shall mean the person to whom a license shall
be granted under this Act :

15 “The guardians of the poor” shall mean the guardians of the
poor for the Poor Law union within which the licensee shall
reside :

“The medical officer” shall mean the medical officer for the
Poor Law union within which the licensee shall reside :

“Justices of the peace” shall mean any justices of the peace in
petty session assembled.

20 2. From and after the commencement of this Act, it shall not be
lawful for any person to receive or retain for hire or reward any
child under the age of six years, for the purpose of nursing or
maintaining such child, without having first taken out a license
under the hand of a justice of the peace, which license the said
25 justice of the peace is hereby authorised to grant on receiving a
certificate, under the hand of a justice of the peace, clergyman, or
other minister of religion or registered medical practitioner, that
every such justice, clergyman, minister, or registered medical
practitioner has caused a personal investigation to be made into
30 the character of the proposed licensee, and his ability to provide

License to be
taken out by
every person
receiving or
retaining for
hire any
child for the
purpose of
nursing.

[Bill 49.]

A

or her/?

A.D. 1871. such child with sufficient and proper food and lodging, and that in his opinion such license may properly be granted; the said license shall remain in force for *one* year from the granting thereof; such certificate and license may be in the Forms A. and B. in the schedule to this Act.

5

Unlicensed persons receiving child for the purpose of nursing for hire guilty of a misdemeanour.

3. If any person shall receive or retain for hire or reward any child under the age of *six* years, for the purpose of nursing or maintaining such child, without having first taken out a license as herein-before provided, or shall receive or retain more than *two* children under the age of *one* year for the purpose aforesaid, or more than *one* child under that age for the purpose of suckling such child, such person shall be guilty of a misdemeanour; provided that nothing herein contained shall prevent the licensee from receiving or retaining more than *two* children for the purpose aforesaid, if retained for a less period than *twenty-four* hours.

15

Register to be kept, and inspection of child by medical officer.

4. The licensee shall forthwith, after receiving or retaining any child for the purpose of being nursed or maintained as aforesaid, enter in a register the name of the said child, and, in the case of any child retained for a longer period than *one* week, shall make a return of the name of the said child to the medical officer, and produce to and leave with him the certificate of birth of the said child. The medical officer shall keep a register of the name of every child included in such return, and shall, once at least in every month, personally inspect every such child, and shall make a report in writing to the Poor Law Board once in every *three* months of the state of health and condition of every such child. The Poor Law Board shall order the guardians of the poor to pay to the medical officer for such inspection and report such sum annually as shall be fixed by the said Poor Law Board.

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License may be revoked.

5. If on the said inspection any such child as aforesaid shall in the opinion of the medical officer be in an unsatisfactory state of health and condition, arising from the neglect or incapacity of the licensee, it shall be lawful for the medical officer to suspend the said license for any time not exceeding *three* months, but the licensee shall be at liberty to appeal to a justice of the peace against such suspension, on giving to the medical officer notice in writing of his intention so to do within *seven* days after such suspension; and on the hearing of the said appeal the said justice of the peace may confirm or annul such suspension, or may order the said license to be revoked. Notwithstanding such suspension or revocation, and so long as the licensee shall continue in the possession of any such

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child as aforesaid, the medical officer shall inspect every such child as herein-before provided. Such suspension or revocation may be in the form C in the schedule to this Act. A.D. 1871.

6. The licensee shall within *twenty-four* hours after the death of every such child as aforesaid cause notice thereof to be given to the coroner for the district within which the licensee shall reside, and the said coroner shall hold an inquest on the body of every such child, unless a certificate under the hand of a registered medical practitioner shall be produced to him by the licensee, certifying that the death of the said child arose from natural causes. No such child shall be buried without the production of a certificate under the hand of the said coroner authorising such burial. If the licensee shall neglect to give notice as aforesaid he shall be guilty of a misdemeanour under this Act. Inquest to be held on death of child.

7. Every person guilty of a misdemeanour under this Act shall be liable, on a summary conviction by the justices of the peace, to imprisonment for not more than *six* months, or fine, as the said justices may award. Punishment for misdemeanour under this Act.

8. It shall be lawful for the Poor Law Board and the said Board is hereby required to appoint a registrar of children, and a sufficient number of inspectors and sub-inspectors to carry out the provisions of this Act, *and to pay out of moneys to be provided by Parliament the said registrar, inspectors, and sub-inspectors such salaries as the said Board may deem proper.* The said Board may also appoint a sufficient number of sub-inspectors without salary for the purpose of visiting the said children. The said inspectors and sub-inspectors shall have access to and liberty to inspect at all convenient times any such child as aforesaid. Poor Law Board to appoint registrar, inspectors, and sub-inspectors.

9. The jurisdiction of the medical officer under this Act shall be co-extensive with the districts of the respective poor law unions for which the said medical officer shall be appointed. Jurisdiction of medical officer.

10. This Act shall not extend to the relatives or guardians of any such child as aforesaid, nor to persons having the care of children whose parents are resident abroad, nor to schools for the education of children, nor to public orphanages established for the protection of children, nor to any person receiving any such child as aforesaid under the provisions of any Act for the relief of the poor. Exceptions from Act.

11. This Act shall commence on the *first day of November one thousand eight hundred and seventy-one.* Commencement of Act.

12. This Act may be cited as "The Infants Protection Act, 1871." Short title.

A.D. 1871.

The SCHEDULE referred to in the foregoing Act.

A.

THE INFANTS PROTECTION ACT, 1871.

I hereby certify, That I have personally investigated the character
of _____ and his ability to 5
provide any child entrusted to his care with sufficient and proper
food and lodging, and in my opinion a license may be properly
granted to the said _____ pursuant to
the said Act.

Justice of the Peace. 10
Clergyman or minister of religion.
Registered medical practitioner.

B.

THE INFANTS PROTECTION ACT, 1871.

I hereby certify, That _____ 15
of _____ is licensed to receive for hire,
for the purpose of maintenance (*insert number*), children under the
age of _____ years at (*insert number of house and street*) for
one year from the date hereof.

Dated the _____ day of _____ 20
Justice of the Peace.

C.

THE INFANTS PROTECTION ACT, 1871.

I hereby suspend for the period of _____ months from the
date hereof (*or* revoke) the license granted to _____ 25
for the following reasons, viz. :—

Registered medical practitioner.
Justice of the Peace.

Infant Life Protection.

A

BILL

For the better Protection of Infant Life.

(Prepared and brought in by
Mr. Charles, Dr. Brewer, and
Dr. Lyon Playfair.)

*Ordered, by The House of Commons, to be Printed,
21 February 1871.*

[Bill 40.]

Under 1 oz.

Intoxicating Liquors (Licensing) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause

1. Short title.
2. Application of Act.
3. Commencement of Act.
4. Interpretation.
5. Licensing divisions and licensing justices.

(I.)—JUSTICES' CERTIFICATES.

Retail of Intoxicating Liquor.

6. Classes of retail certificates and licenses to be granted.
7. Grant of certificates, licenses, &c.
8. Limitation of number of new publicans' certificates.
9. Duration of publicans' licenses for ten years.
10. Persons disqualified for holding certificates.
11. Disqualified premises.

Certificates for Sale for Consumption on or off the Premises.

Grant of Publicans' Certificates.

12. Determination of the number of new publicans' general certificates.
13. Allotment of new certificate to person tendering highest rent.
14. Regulations as to allotment of publican's general certificate.
15. Distribution of certificates at expiration of ten years, &c.
16. Issue of publican's certificate.
17. Grant of new publicans' limited certificates.
18. Minimum annual license less than rent.
19. Lapse of allotment.
20. Fresh tenders for unallotted certificates.

Clause

21. Issue of proposals at end of tenth year.

Approval of Premises.

22. Approval of premises.
23. Provisional survey and approval of plans.
24. Alteration of premises.

Manager.

25. A manager of publican's business to reside on premises.
26. Approval of manager and change of manager.
27. Carrying on of publican's business without an approved manager.
28. Liabilities of manager of certificate and effect of his conviction.
29. Determination of tenancy of convicted manager.

Special Certificates for Sale for Consumption on the Premises only.

30. Inn certificate.
31. Eating-house certificate.
32. Miscellaneous provisions as to special certificate for an inn or eating-house.
33. Railway refreshment room certificate.
34. Refreshment house wine certificate.
35. Certificate to a proprietor of theatre.

Certificates for Sale for Consumption off the Premises only.

36. Beershop certificates.
37. Closed vessel retail certificates.

Continuance of Certificates.

38. Duration of certificates and annual continuance of them.
39. Attendance of holder or manager for continuance of certificate.
40. Proceedings for continuance of certificate.
41. Publicans' certificates at the end of ten years.

Removal and Transfer.

42. Removal of certificate to new premises.
43. Transfer of certificates to new holder.
44. Provisions as to transmission of certificates on marriage, bankruptcy, or death.
45. Saving as to transfer.

Interim Orders.

Clause

46. Interim holder in case of death.
47. Interim order in case of fire, or accident, or removal.
48. Interim order on transfer.
49. Authority for granting interim order.
50. Interim order in case of appeal.
51. Insanity of holder of certificate.

Occasional Exemptions.

52. Occasional exemptions from conditions of certificate.
53. Regulations as to grant of order of occasional exemptions.
54. Payment for and issue of order.
55. Effect of order of occasional exemption.
56. Regulations by quarter sessions as to occasional exemptions.

General Provisions as to Certificates.

57. Holding of more than one certificate for the same premises.
58. Certificate to be taken out by new beginners for proportionate part of a year.
59. Form of certificate.
60. Lost certificates.
61. Defaced certificate.
62. Forgery of certificates.
63. Register of certificates, holders, managers, and premises.
64. Copies of registers for licensing officers and clerks of police courts.

Formation of Licensing Districts.

65. Formation of licensing districts.
66. Revision or alteration of order respecting licensing district.
67. Formation of licensing districts at end of ten years.

Licensing Justices and Sessions.

68. Licensing sessions.
69. Qualification of metropolitan and stipendiary magistrates to act.
70. Provision for licensing divisions where insufficient number of justices.
71. Notices of application with respect to certificates.

Clause

- 72. Hearing of persons in opposition to application for certificates.
- 73. Adjournment of hearing of application.
- 74. Enforcing order of licensing justices.
- 75. Signature of justices by means of a stamp.
- 76. Service of notices on licensing justices.
- 77. Fees of clerks to the justices.
- 78. Returns by clerks to justices, &c. and circulation of lists.

License Rent Fund.

- 79. Collection of license rent by stamps.
- 80. Account of license rent fund.
- 81. Account to show surplus and deficit and comparison for two years.
- 82. Provision for deficit on accounts.
- 83. Provision for surplus on account.
- 84. Account to be laid before Houses of Parliament.

Receipts, Expenses, and Audit.

- 85. Collection of sums payable to local rate.
- 86. Expenses of licensing justices.
- 87. Accounts and audit.

(II.)—POLICE REGULATIONS.

General Police Offences.

- 88. Sale of liquor without a certificate.
- 89. Penalty for contravening tenor of certificate.
- 90. Penalty for holder of special certificate carrying on business not authorised by certificate.
- 91. Consumption on the premises of liquor authorised to be sold for consumption off the premises.
- 92. Offences where sale of liquor authorised for consumption on the premises.
- 93. Penalty for permitting drunkenness.
- 94. Penalty for keeping disorderly house.
- 95. Penalty for allowing premises to be a brothel.
- 96. General offences by holders of certificates.

Clause

97. Penalty for internal communication between certificated premises and house of public resort.
98. Storing of one liquor by persons authorised only to sell another.
99. Certificate holders or managers to put over their premises their names and trades.
100. Production of certificate.
101. Sale of spirits or wine to children.
102. Penalty on buyer.
103. Penalty on false representations to keeper of inn or railway refreshment room.

Closing of Certificated Premises.

104. Closing of premises for sale by retail of liquors.
105. Power to close houses in case of riot.
106. Effect of closing house.
107. Persons buying on or found on premises, or falsely representing themselves to be travellers.
108. Power to local authority to grant exemption from closing in the morning and at night.
109. Rules as to exemptions from closing.
110. Extension of time for closing by justices with approval of ratepayers.
111. Closing of certain refreshment houses.

Measures.

112. Sale to be by standard measure.

Adulteration.

113. Adulteration of intoxicating liquor.
114. Alteration of seventh schedule as to deleterious ingredients.
115. Possession of adulterated liquor or deleterious ingredients.
116. Analysis of intoxicating liquor by officer.

Drunkards.

117. Penalty on drunkards.
118. Power of holder of certificate to exclude drunkards and others.
119. Drunken conduct of publican.

Amount of Penalty and repeated Convictions.

Clause

- 120. Minimum penalty.
- 121. Offence not to be reckoned after five years as a first offence.
- 122. Disqualification and forfeiture of certificate in the case of repeated convictions.

Inspection.

- 123. Establishment of public-house inspectors.
- 124. Authority of public-house inspectors.
- 125. Obstruction of inspectors.
- 126. Reports by public-house inspectors.
- 127. Relations between public-house inspectors and police.
- 128. Entry into premises licensed and unlicensed.

Legal Proceedings.

- 129. Summary proceedings for police offences, penalties, &c.
- 130. Appeal to quarter sessions.
- 131. Exclusion of certiorari.
- 132. Liabilities of aiders and abettors.
- 133. Record of convictions.
- 134. Evidence of endorsements and register.
- 135. Power of justices to direct prosecution of offences.

(III.)—PROVISIONS RELATING TO THE INLAND REVENUE.

- 136. Grant of excise duties.
- 137. Provisions regarding excise licenses.
- 138. Refusal of licenses in certain cases.
- 139. Licensed persons, &c. to produce their licenses.
- 140. Possession by licensees in entered premises of unauthorised intoxicating liquors.
- 141. Lists of licenses to be kept.
- 142. Penalty for selling without a license.
- 143. Publican not being dealer not to sell to the trade.
- 144. Licenses may be taken out by new beginner for proportionate part of a year.
- 145. Licensees to put over their premises their names and trades.

(IV.)—SUPPLEMENTAL PROVISIONS.

Voting Regulations.

Clause

- 146. Persons entitled to vote in case of vote by ratepayers.
- 147. Registers of voters for polls under this Act.
- 148. Penalty for making incorrect return.
- 149. False answer and penalty on personation of voter.
- 150. Penalty for forging or falsifying any voting paper or obstructing the poll.
- 151. Corrupt practices. Imprisonment with hard labour for improper practices at poll.

Canteens.

- 152. Licenses of canteens.

Wine and Spirit Dealers.

- 153. Application of Act to retailers under wholesale wine licenses.
- 154. Application of Act to holder of spirit dealer's retail license.
- 155. Register of, and endorsement on wine and spirit retail licenses.

Vessels.

- 156. Application of Act to vessels.

Miscellaneous.

- 157. Disqualification of justices.
- 158. Extension of jurisdiction of justices.
- 159. Appearance of justices to defend appeal.
- 160. Evidence.
- 161. Six-day certificates and licenses.
- 162. Debt for intoxicating liquors consumed on or off the premises.
- 163. Partners.
- 164. Mode of ascertaining gross rateable value.
- 165. Ascertaining of population.
- 166. Publication of notices.
- 167. Notices may be served by post.
- 168. Service on rating authority.
- 169. Construction of Acts as to billeting soldiers, &c.
- 170. Saving of covenants.

Clause

171. Construction of reference to headings and schedules.

172. Restriction on future vesting of interests.

Abolition of Privileges.

173. Abolition of privileges of granting licenses.

Holders of existing Licenses.

174. Certificates to holders of existing licenses.

175. Continuance of certificate at request of owner of house.

176. Caveat against removal or transfer of certificate.

Savings.

177. Saving of certain rights.

SCHEDULES.

A

B I L L

FOR

Regulating the Sale of Intoxicating Liquors.

A.D. 1871.

WHEREAS it is expedient to amend the law respecting the sale of intoxicating liquor :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Intoxicating Liquor (Licensing) Act, 1871." Short title.

10 2. This Act shall not extend to Scotland or Ireland.

Application
of Act.

3. This Act shall not (save as herein otherwise expressly provided) come into operation until the *first day of October one thousand eight hundred and seventy-one*, which day is herein-after referred to as the commencement of this Act.

Commence-
ment of Act.

15 4. In this Act, unless the context otherwise requires,

Interpreta-
tion.

The term "spirits" includes all liqueurs and compounds which contain spirits and are not wine, but does not include methylated spirit :

"Spirits :"

20 The term "wine" means foreign wine, and, as against the person who sells or offers the same for sale, includes all liquor sold or offered for sale as being foreign wine, or under the name by which any foreign wine is usually designated or known :

"Wine :"

The term "sweets" means any British wine or liquor made by fermentation from fruit and sugar, or from fruit or sugar mixed with any other material, and commonly called sweets or made wines, and also includes mead or metheglin :

"Sweets :"

25 The term "beer" includes ale and porter :

"Beer :"

The term "cyder" includes perry :

"Cyder :"

[Bill 104.]

A

A.D. 1871. <i>Preliminary.</i> "Intoxicating liquor:"	The term "intoxicating liquor" means any spirits, wine, sweets, beer, and cyder as defined by this Act: The term "retail" means a sale at any one time in a quantity less— (a.) In the case of wine, spirits, or sweets, than one 5 dozen reputed quart bottles, or two dozen reputed pint bottles, or two gallons in any description of vessel or vessels, and, (b.) In the case of beer or cyder than two dozen reputed quart bottles, or four dozen reputed pint bottles, or four 10 gallons and a half in any description of vessel or vessels:
"Wholesale:"	The term "wholesale" means a sale at any one time in a quantity which is more than that which constitutes a sale by retail:
"Secretary of State:"	The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State: 15
"Treasury:"	The term "the Treasury" means the Commissioners of Her Majesty's Treasury:
"The commissioners:"	The term "the commissioners" means the commissioners of Inland Revenue for the time being:
"Officer of excise:"	The term "officer of excise" means any officer appointed by the 20 commissioners:
"Licensing officer:"	The term "licensing officer" means any officer appointed by the commissioners to issue, or superintend the issue, of licenses under this Act in any place:
"Person:"	The term "person" includes a body corporate: 25
"Borough:"	The term "borough" means a place for the time being subject to the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and the Acts amending the 30 same, and having a separate commission of the peace, and includes the city of London and the liberties thereof, exclusive of Southwark:
"Town:"	The term "town" means (a.) The metropolitan police district; 35 (b.) A borough as defined by this Act, and any other place subject to the same Acts above mentioned as such borough, but not having a separate commission of the peace; (c.) Any district under the jurisdiction of commissioners, trustees, or other persons intrusted by any local Act with 40 powers of improving, cleansing, or paving the town; and (d.) Any district under the jurisdiction of a local board;

And any premises situate in more than one of the areas so defined to be a town is to be deemed for the purposes of this Act to be in the largest of such areas: A.D. 1871.
Preliminary.

The term "county" does not include a county of a city or a county of a town, but every riding, division, and parts and liberty of a county having a separate court of quarter sessions is for the purposes of this Act to be deemed to be a county; every liberty, precinct, and place that is not included within the limits of a county or borough as herein-before defined is to be deemed to be annexed to and form part of the county by which it is surrounded, or, if it is partly surrounded by two or more counties, then to be annexed to and form part of that county with which it has the longest common boundary:

The term "quarter sessions" includes general sessions:

The term "The Summary Jurisdiction Act, 1848," means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders" inclusive of any Acts amending the same: "Quarter sessions:"
"Summary Jurisdiction Act:"

The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction in respect of offences or matters of complaint arising under this Act, is given by the Summary Jurisdiction Act, 1848: "Court of summary jurisdiction:"

The term "year" used in relation to any certificate means the year ending the thirtieth day of September, and used in relation to any conviction means twelve months reckoned from the date of such conviction.

5. For the purposes of this Act the terms "licensing division," "licensing justices," "clerk to the licensing justices," "licensing district," "local rate and local authority," mean respectively the divisions, justices, clerks, districts, local rates, and local authorities mentioned in the first schedule to this Act, and in relation to any premises or any certificate mean the division or district in which such premises are situate, or such certificate was granted, and the licensing justices, clerk, local rate, and local authority for such division. Licensing divisions and licensing justices.

A.D. 1871.

*Retail of
intoxicating
Liquor.*Classes of
retail cer-
tificates and
licenses to
be granted.Grant of
certificates,
licenses, &c.Limitation
of number of
new pub-
licans' cer-
tificates.

(I.)—JUSTICES' CERTIFICATES.

Retail of intoxicating Liquor.

6. After the commencement of this Act no person shall (save as expressly provided by this Act), sell any intoxicating liquor by retail unless he is authorised so to do by a certificate from the licensing justices and by a license from the commissioners granted in pursuance of this Act. 5

The certificates and licenses for the sale by retail of intoxicating liquors, which may be granted by the licensing justices and the commissioners respectively, shall be those specified in the second schedule to this Act, and no others, and such certificates and licenses and the classes of certificates and licenses therein specified are in this Act referred to by the names given to the same respectively in that schedule. 10

7. A license under this Act shall not (save as expressly provided by this Act) be granted to any person who does not hold a certificate under this Act corresponding to such license, and who does not otherwise conform to the provisions of this Act with respect to excise regulations. 15

A certificate under this Act may be granted as herein-after mentioned by the licensing justices of the licensing division in which the grantee of such certificate intends to retail intoxicating liquor, and while it is in force shall entitle the holder thereof to obtain, in the manner and subject to the conditions mentioned in this Act, the corresponding license or licenses from the commis- sioners. 20 25

Each license shall authorise, so far as regards the commissioners, the sale at the premises specified in the license, of such liquor in such manner and to such persons as is stated in that behalf in the second schedule to this Act, and not further or otherwise; and each certificate shall authorise, so far as respects the licensing justices, the sale at the premises specified in the certificate of the same liquor in the same manner, and to the same persons, as the license corresponding to such certificate, or such of the corresponding licenses if more than one, as may have been obtained by the holder of such certificate, and not further or otherwise. 30 35

8. No new publicans' certificate of either of the descriptions, general or limited, mentioned in the second schedule to this Act, shall be granted for any licensing district unless the licensing justices have proposed, in manner by this Act directed, to grant a certificate of such a description on the ground that the opening of 40

a new public-house of the kind authorised by a certificate of such description is in their opinion required for the use of the inhabitants of the district, and unless that proposal so far as it requires adoption by the ratepayers is so adopted.

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*Retail of
intoxicating
Liquor.*

5 A proposal, so far as it is for granting such a number of certificates as will not make the number of publicans' certificates in the licensing district exceed the scale fixed by this Act, shall be final.

A proposal so far as it is for granting any certificates which will make the number of publicans' certificates in the district exceed
10 the scale fixed by this Act, shall, so far only as regards the number of certificates which will cause that excess, be final only if adopted by a vote of the ratepayers of the district.

The scale above mentioned shall be as follows ; that is to say,

(1.) In a licensing district which is in a town, and contains a
15 population which—

is under one thousand five hundred,

One publican's certificate.

is not under one thousand five hundred and is under
three thousand - - Two publicans' certificates.

20 is not under three thousand and is under four thousand - - Three publicans' certificates.

And so on at the rate of one publican's certificate for every additional one thousand population.

(2.) In a licensing district which is not in a town and contains
25 a population which—

is under nine hundred - One publican's certificate.

is not under nine hundred and is under one thousand
two hundred - - Two publicans' certificates.

30 is not under one thousand two hundred and is under one thousand eight hundred - Three publicans' certificates.

And so on at the rate of one publican's certificate for every additional six hundred population.

A licensing district situate partly within and partly without a
town shall be deemed for the purposes of this scale to be wholly
35 situate within the town.

9. Every publican's certificate of whatever description, and whether
a new certificate or granted as herein-after provided to holders of
licenses existing at the commencement of this Act, shall be con-
tinued annually, as herein-after mentioned, until the general annual
40 licensing sessions which is held next after the expiration of *ten*
years from the commencement of this Act, and shall absolutely
determine at the end of such sessions.

Duration of
publicans'
licenses for
10 years.

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*Retail of
intoxicating
Liquor.*

After the expiration of the said *ten years* no new publican's certificate of either description shall be granted for any licensing district except in pursuance of a proposal made, and if necessary, adopted in manner provided by this Act with respect to the grant of new publicans' certificates; but the holders of the certificates 5 determined as aforesaid shall be entitled to such priority as herein-after mentioned in the distribution of the new certificates granted upon the said proposal.

The provisions of this section with respect to the determination of expiration of certificates *ten years* from the commencement of this 10 Act, and to the grant of certificates after the expiration of such *ten years*, shall apply in the case of every succeeding period of *ten years*.

The holder of any publican's certificate which is determined in pursuance of this section may obtain a special inn or eating-house certificate attached to the premises to which the certificate so 15 determined was attached.

Persons dis-
qualified for
holding cer-
tificates.

10. A certificate under this Act shall not be granted to any of the following persons (in this Act referred to as disqualified persons); that is to say,

- (1.) Any sheriff's officer, any officer for executing the process of 20 a court of justice, any gaoler or officer of a prison, any officer of a police force, or any master or matron of a workhouse:
- (2.) Any person who has either been under sentence of penal servitude or been within five years previously to the 25 application for a certificate under sentence of imprisonment with hard labour for a term of not less than three months: or,
- (3.) Any person declared disqualified by or in pursuance of the provisions of this Act herein-after contained, during the 30 continuance of such disqualification.

Disqualified
premises.
32 & 33 Vict.
c. 27. s. 8.

11. A certificate under this Act shall not be granted in respect of or attached to any premises;

- (1.) Which are a prison or workhouse:
- (2.) Which are adjacent to or communicate through private 35 grounds or otherwise than by a public thoroughfare with any premises owned or occupied by the applicant for a certificate, and being of a disorderly character or frequented by thieves, prostitutes, or persons of a bad character, or being for the time disqualified by or in pursuance of the 40 provisions of this Act herein-after contained:

(3.) Which are a common lodging-house or communicate through private grounds or otherwise than by a public thoroughfare with a common lodging-house: A.D. 1871.
*Retail of
intoxicating
Liquor.*

(4.) Which are not of the annual gross value following; namely,

(a.) If they are not situate in any town, of the gross value of nine pounds;

(b.) If they are situate in a town containing a population not exceeding ten thousand, of the gross value of fifteen pounds;

(c.) If they are situate in a town containing a population exceeding ten thousand and not exceeding thirty thousand, of the gross value of twenty pounds;

(d.) If they are situate in a town containing a population exceeding thirty thousand, of the gross value of twenty-five pounds;

(5.) Which are declared disqualified by or in pursuance of the provisions of this Act herein-after contained, during the continuance of such disqualification:

and every certificate attached to such premises (in this Act referred to as disqualified premises), shall be liable to be declared void.

Certificates for Sale for Consumption on or off the Premises.

Grant of Publicans' Certificates.

12. With respect to a proposal to grant new publicans' general certificates in any licensing district, and the adoption by the ratepayers of such proposal or any part thereof, the following provisions shall have effect: Determi-
nation of
the number
of new pub-
licans' gene-
ral certi-
ficates.

(1.) The licensing justices in each division shall at the general annual licensing sessions in each year, held as herein-after mentioned (or at such other licensing sessions as may, with the assent of a Secretary of State, be from time to time determined by such justices) declare, with respect to each licensing district in their division, whether they propose to grant none or any, and, if any, what number of new publicans' general certificates in such district:

(2.) The justices shall, as soon as may be, cause notice of such proposal to be published in the district to which it applies by advertisement, and by affixing the same at a public place in the neighbourhood, and, if they propose to grant any certificates, shall specify in such notice the population of the district, and the number of publicans' general and limited certificates already held in the district, and the extent to which such proposal is or is not final:

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*Grant of
Publicans'
Certificates.*

- (3.) A proposal shall be final unless or except so far as it proposes to grant a number of certificates which, if granted, will, together with the publicans' certificates already held in the district, and the publicans' limited certificates, if any, proposed to be granted at the same time, make the number of publicans' certificates in the district exceed the scale fixed by this Act : 5
- (4.) A proposal or part of a proposal which is not final shall be deemed to be adopted by the ratepayers, unless negatived or altered by the ratepayers as herein-after mentioned : 10
- (5.) Where a proposal or part of a proposal is not final any number of ratepayers of the licensing district to which such proposal relates, not less than fifty, or, if there are less than one hundred and fifty ratepayers in such district, not less than one third of the whole number of such ratepayers; may within fourteen days after the first publication of the notice of the proposal, demand that a poll of the ratepayers of the district be taken with respect to such proposal or part : 15
- (6.) Upon the receipt of such demand, the licensing justices shall cause their clerk to take a poll of the ratepayers of the district by ballot in the manner provided in the third schedule to this Act : 20
- (7.) A majority of not less than three fifths of the ratepayers who vote on such poll reckoned as provided by the said schedule, may negative such proposal or part of a proposal which is not final, or may alter the same by diminishing the number of certificates therein mentioned, but not otherwise, and such proposal or part of a proposal, if altered on such poll, shall, as so altered, be deemed to be a proposal of the justices adopted by the ratepayers : 25
- (8.) The expenses of and incidental to taking the poll shall be deemed to be expenses of the licensing justices. 30

Allotment
of new
certificate
to person
rendering
highest rent.

13. Where a new publican's general certificate is to be granted for any licensing district, the same shall be granted to the person who offers by tender, made as herein-after mentioned, to pay for the same during the continuance of the certificate the highest annual per-centage on the annual value of his premises (in this Act referred to as a license rent), and conforms to the provisions of this Act with respect to such tender and certificate, and the other matters herein-after contained, and such certificate, when granted, may be attached to any premises selected by the grantee and approved by the licensing justices. 35 40

14. With respect to the tender for and allotment of publicans' general certificates in any licensing district, the following provisions shall have effect; namely,

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Publicans'
Certificates.*

Regulations
as to allot-
ment of
publicans'
general
certificate.

- 5 (1.) The licensing justices, subject to the provisions of this Act and of the fourth schedule to this Act, shall fix the regulations as to the mode of tender for the certificates, and may if they think fit fix a minimum license rent to be tendered; and also fix any part of the licensing district in which premises to which the certificates proposed to be issued are to be attached must not be situate, and shall hold a licensing sessions on some day fixed by them, for considering the tenders made for such certificates:
- (2.) The applicant for every tender, shall on making such tender deposit as security the sum of *twelve pounds*:
- 15 (3.) Every tender shall be to pay a license rent of such per-centage on the gross value of the premises to which the certificate is for the time being attached as may be specified in the tender, not being less than the minimum license rent fixed by the justices, or if no such minimum has been fixed then the minimum specified in this Act:
- 20 (4.) The justices shall cause to be published, by advertisement, a notice of invitation of tenders for the certificates to be granted, specifying the matters mentioned in the fourth schedule to this Act:
- 25 (5.) At the said licensing sessions the justices shall open the tenders, and shall allot a certificate to the person who has duly made a tender of the highest license rent for a certificate, and if there is more than one certificate to be allotted shall allot another certificate to the person who has duly made a tender of the next highest license rent, and so on until all the certificates to be allotted, or all the tenders, are exhausted:
- 30 (6.) In the case of equality of tender by two or more applicants for any certificate the justices shall allot the certificate to such of those applicants as may then and there make the highest tender for the same, and if the equality of tenders is not by that means avoided may allot the same to any of the other persons who have tendered for a certificate who may then and there make a higher tender than that made by the applicants who have made equal tenders, and if no such higher tender is made may either
- 35 refuse to allot the certificate or may determine by lot to
- 40

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Publicans'
Certificates.

which of the applicants who made equal tenders, the same is to be allotted :

- (7.) Previously to allotting a certificate to any person the justices shall inquire whether the allotment will be accepted, and such person may by himself or his agent then and there 5
refuse to accept the allotment, and thereupon the certificate shall be allotted to the person who has duly made a tender of the next highest license rent, and is willing to accept the allotment :
- (8.) A tender not made in conformity with the conditions specified in the said notice shall not be deemed to be duly made, unless the justices are of opinion that no injustice will be done by allowing the same, and think fit to allow the same :
- (9.) In case the person to whom a certificate is about to be 15
allotted does not upon such inquiry as aforesaid then and there, by himself or by his agent, refuse to accept the same, he shall be deemed to have accepted the certificate, and an allotment shall be made to him accordingly :
- (10.) Any person who is not a disqualified person may tender for 20
a certificate, and any person may make tenders for all or any number of the certificates to be issued, so however, that each tender be for one certificate only :
- (11.) Where a person refuses to accept an allotment as above mentioned, he shall forfeit one third part of his deposit, 25
but, save as aforesaid, the deposit shall be returned to a person tendering to whom a certificate is not allotted :
- (12.) Any deposit or part of a deposit which is forfeited shall be paid to the treasurer of and be carried to the account of the local rate. 30

Distribution
of certificates
at expiration
of 10 years,
&c.

15. Where any publican's general certificates in any licensing district are determined at the expiration of any period of ten years, as provided by this Act, the new publicans' general certificates issued after such determination for such district shall be granted in accordance with the following regulations ; namely, 35

- (1.) If the number of new certificates is the same as the number of publicans' general certificates in such district which have determined, the new certificates shall be offered to and, if accepted, allotted to the holders of the determined certificates : 40
- (2.) If the number of new certificates to be issued is greater than the number of publicans' general certificates in such dis-

trict which have determined, one of the certificates shall be offered to and, if accepted, allotted to each of the holders of the determined certificates, and the remainder shall be allotted upon tenders as provided by this Act with respect to the tender for and allotment of such certificates :

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Publicans'
Certificates.*

- (3.) If the number of new certificates is less than the number of publicans' general certificates in such district which have determined, the new certificates shall be allotted to such of the holders of the determined certificates as offer by tender to pay the highest annual license rent for the same in manner provided by this Act with respect to the tender for and allotment of certificates : Provided that no such holder of any determined certificate shall tender for more than one certificate in respect of each determined certificate so held by him :

- (4.) The licensing justices before offering or inviting tenders for any new certificates for any district shall fix the minimum license rent for such district ; and every holder of a determined certificate to whom a new certificate is offered in pursuance of this section without tender shall pay the minimum license rent so fixed :

- (5.) If by reason of the refusal of the holders of determined certificates to accept the new certificates offered to them, or from any cause whatever any new certificate remains unallotted, the same may be allotted in manner provided by this Act with respect to the tender for and allotment of certificates.

16. When the allottee of a publican's certificate applies to the licensing justices for the issue of such certificate and satisfies them—

Issue of
publican's
certificate.

- (1.) That he has published a notice of his application as prescribed by this Act :

- (2.) That he is not a disqualified person ; and

- (3.) That his premises and the manager of the business have been or ought then to be approved by the licensing justices as herein-after mentioned :

the licensing justices shall then, but not sooner, direct the certificate to be issued to the allottee.

Before the issue of the certificate the allottee shall pay to the clerk to the licensing justices, the license rent for the year or a proportionate part thereof as herein-after mentioned, and after such payment the clerk shall return to the allottee his deposit.

17. All the provisions of this Act with respect to a proposal to grant new publicans' general certificates, and the adoption of such

Grant of
new publi-
cans' limited
certificates.

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Publicans'
Certificates.

proposal by the ratepayers, and the grant of such certificates, and the tender for and allotment of such certificates in any licensing district, shall apply in the case of new publicans' limited certificates in the same manner in all respects as if they were re-enacted in this section with the substitution of publicans' limited certificates for publicans' general certificates, but the deposit on a tender for a publican's limited certificate shall be eight pounds only. 5

All proceedings with respect to publicans' limited certificates may be conducted on the same days and at the same times as proceedings with respect to publicans' general certificates, but shall be in all respects distinct from those proceedings. 10

The same person may make tenders for publicans' limited certificates as well as for publicans' general certificates, but the holder of a publican's general certificate which has determined shall not be entitled to any priority in the grant of new publicans' limited certificates. 15

Minimum
annual li-
cense less
than rent.

18. The minimum annual license rent for a new publicans' certificate shall :

- (1.) For a publicans' general certificate be *five pounds* per cent. on the gross annual value of the premises to which the certificate is for the time being attached, so however that the minimum license rent shall in no case be less than *two pounds ten shillings* nor more than *fifteen pounds* :
- (2.) For a publicans' limited certificate be *three pounds* per cent. on the gross annual value of the premises to which the certificate is for the time being attached, so however that the minimum license rent shall in no case be less than *one pound ten shillings* nor more than *nine pounds*. 25

The licensing justices may from time to time raise, as regards holders of certificates thereafter fixed, the minimum license rent for any district, and in fixing any minimum license rent for any district shall have regard to the proportion between the number of publicans' certificates held in the district and the population of such district. 30

Lapse of
allotment.

19. In case the allottee of a publican's certificate does not within *three months* from the date of the allotment, or such further time as the licensing justices in licensing sessions or any two of them sitting in petty sessions may allow in any special case for the purpose of enabling the allottee to procure or fit up premises, obtain the issue of such certificate, the allotment shall be cancelled, and his deposit forfeited. 35

Fresh
tenders for
unallotted
certificates.

20. Where by reason of an insufficient number of tenders having been made or of allotments having been refused or cancelled, or any other cause, any new publican's certificates mentioned in any proposal made and adopted as above mentioned remain unallotted, the 40

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*Grant of
Publicans'
Certificates.*

licensing justices may, if they think fit, proceed in the case of such certificates in the same manner as if no proceedings had been taken under such proposal, and such unallotted certificates were mentioned in a new proposal so made and adopted as above mentioned, and so
5 on from time to time until all the certificates have been allotted.

21. In every *tenth year*, at the expiration of which all publican's certificates will determine, the licensing justices shall make their proposal with respect to the issue of new certificates not less than three months before the expiration of such year, and shall conduct
10 all proceedings under this Act with respect to such proposal and the adoption thereof by the ratepayers, and the grant of the certificates mentioned in such proposal, and the tender for and allotment of such certificates at such times and in such manner as will enable the certificates to be issued to the allottees at the general annual
15 licensing sessions held next after the expiration of the said *ten years*.

Issue of pro-
posals at end
of tenth
year.*Approval of Premises.*

22. Where the allottee of a publican's certificate for any licensing district applies to the licensing justices for their approval of the premises to which he proposes to attach such certificate, and
20 satisfies them—

Approval of
premises.

- (1.) That he has published the notice of his application required by this Act :
 - (2.) That such premises are situate in the licensing district for which the certificate was granted, and not in any part of
25 such district excluded by the licensing justices when fixing the regulations as to tender, and are not disqualified premises : and
 - (3.) That such premises are fit in respect of their structure and fitting up for the purpose of such certificate :
- 30 such justices shall, unless they consider that the premises (having regard to the nature of the business likely to be carried on therein) ought to be and are not in a public thoroughfare, declare their approval of such premises, and shall cause to be entered in the certificate when issued a description of such premises.

35 23. The allottee of a publican's certificate may at any time before applying for approval of premises apply to the licensing justices in licensing sessions, or to any two of them in petty sessions, for a survey of the premises to which he proposes to attach the certificate, or for the provisional approval of plans for premises to be
40 constructed or adapted for the purposes of the certificate, and such justices may name some competent surveyor to report on such premises or plans at the expense of the applicant.

Provisional
survey and
approval of
plans.

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*Approval of
Premises.*

If such surveyor by his report in writing approve of the premises or plans for the purposes of the applicant's certificate, and the applicant satisfies the licensing justices in licensing sessions or any two of them in petty sessions that they ought to confirm such report, the said justices may confirm such report with or without reserving any matter, and in that case the licensing justices to whom the premises are afterwards submitted for approval within twelve months afterwards shall not disapprove them, as being unfit in respect of their structure or fitting up for the purposes of the applicant's certificate, unless upon the ground of some matter so reserved, or upon the ground that the premises have been altered since the report of the surveyor, or, in the case of plans, are not in accordance with the plans reported on by the surveyor, or have since the report of the surveyor become unfit for the purposes of the certificate.

*Alteration
of premises.*

24. Where the licensing justices have approved any premises, and the holder of the certificate attached to the premises desires to alter such premises either by enlargement or by the making of a communication with other premises, or by the erection of a bar for the sale of intoxicating liquors, or by any other material alteration, and applies to the licensing justices to approve of such alteration, and satisfies them that the premises when altered will be fit in respect of their structure and fitting up for the purpose of such certificate, and, where the premises are not in a public thoroughfare, that the alteration will not render them unfit for being in a place which is not a public thoroughfare, the licensing justices shall approve of the proposed alteration with or without any conditions or any modifications of such alteration, and, upon such alteration being made within twelve months afterwards, shall cause the description of the premises in the certificate to be altered accordingly. They may, if they think fit, postpone their decision for the purpose of giving notice of the application or of hearing the opinion of an inspector under this Act, or the licensing officer or of a surveyor appointed by such justices with reference to the proposed alteration.

If the holder of any such certificate make any material alteration in the premises approved by the licensing justices to which his certificate is attached, without obtaining such approval of the justices within twelve months before the same is made, he shall be liable to be declared to be carrying on business in premises other than those to which the certificate was attached, provided that the court instead of imposing any penalty for such offence, may order him at his own expense to restore the premises to their former condition within a time limited for the purpose by such order, and may enforce such order in like manner as an order for the payment of the penalty.

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*Manager.**Manager.*

A manager
of publican's
business
to reside on
premises.

25. There shall be resident on all premises to which any publican's certificate is attached a person nominated by the holder of the certificate, approved by the licensing justices to manage the
5 business carried on under such certificate. Such person (in this Act referred to as a manager) may be either the holder of the certificate or some other person.

26. Where the allottee of a publican's certificate applies to the licensing justices for their approval of a manager, and satisfies
10 them—

Approval of
manager and
change of
manager.

(1.) That he has published the notice of his application required by this Act:

(2.) If he is not himself the manager that the proposed manager is not a disqualified person:

15 (3.) That the proposed manager, whether himself or some other person, is of good character:

such justices may, if they think fit, and are of opinion that there is no objection to the person proposed being manager, declare their approval of such manager, and shall cause the name of any manager
20 approved by them to be entered in or endorsed on the certificate when issued.

Where any change occurs in the manager of a business carried on under any publican's certificate, the name of the new manager must be submitted to the licensing justices, and the new manager
25 approved by them, and his name entered in or endorsed on the certificate, in like manner as before the issue of the certificate.

27. A publican's business which is carried on under any publican's certificate, except by the manager whose name is endorsed on or entered in such certificate as approved by the licensing justices
30 in manner provided by this Act, and who is resident on the premises to which such certificate is attached, and who is not a disqualified person, shall be deemed to be carried on in contravention of the tenor of such certificate.

Carrying on
of publican's
business
without an
approved
manager.

Provided that—

35 (1.) In the event of the illness or temporary absence of the manager some person authorised by him or by the holder of the certificate; and

(2.) In the event of the mental incapacity of such manager, his committee, wife, child, or relative, or some person authorised by her or him or by the holder of the certificate;
40 and

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Manager.

- (3.) In the event of the manager becoming a disqualified person or of a change of manager, the holder of the certificate, or some person authorised by such holder; and
- (4.) In the event of the death of the manager where he is also the holder of the certificate, the legal personal representative, or the widow, child, or other next of kin of the deceased, or some person authorised by him, her, or them, may, if he is not a disqualified person, for any time not exceeding one week, or with the consent in writing of a justice of the peace, for any time until the next licensing sessions for the division, carry on the business as temporary manager without the approval of the licensing justices; and such temporary manager shall during the said time be deemed for the purposes of this Act to be the manager under the certificate.

Liabilities of
manager
of certificate
and effect of
his conviction.

28. The manager under any certificate where he is not the holder of such certificate shall be subject to the same obligations, duties, and liabilities, civil and criminal, under this or any other Act as the holder of the certificate, except so far as any such obligations and duties can only be performed personally by such holder.

The conviction of a manager under a certificate for any offence under this Act committed by him as such shall have the same effect for the purpose of causing or contributing to cause the forfeiture of the certificate and the disqualification of the premises to which such certificate is attached as if such manager were the holder of the certificate.

Where the holder of a publican's certificate is not the manager of the business carried on under such certificate, the manager shall have in his possession the certificate under which such business is carried on.

Determina-
tion of te-
nancy of
convicted
manager.

29. Where the holder of a publican's certificate is not the manager, and the manager is convicted of an offence required by this Act to be endorsed on the certificate, or becomes a disqualified person, or is rejected by the justices as not being of good character, or on account of there being any objection to his being a manager, the following consequences shall ensue:

- (1.) He may be dismissed without notice by the holder of the certificate, and on such dismissal shall forthwith surrender the certificate to the holder:
- (2.) If he is the tenant, under lease or otherwise, of the holder of the certificate, his tenancy may be determined by the holder of the certificate, notwithstanding that the terms of the tenancy do not include an agreement to that effect:

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Manager.

5 (3.) If the manager on such dismissal or determination of the tenancy refuse to surrender the certificate the holder of the certificate may complain to any court of summary jurisdiction, and such court may by summary order direct possession of such certificate to be given to the holder of the certificate:

10 (4.) If the manager on such determination of the tenancy refuse to yield up possession of the premises, the holder of the certificate may, in addition to any other remedy, recover possession of such premises in manner provided by the Act of the session of the first and second years of the reign of Her present Majesty, chapter seventy-four, intituled "An Act to facilitate the recovery and possession
15 " of tenements after due determination of the tenancy," and any court of summary jurisdiction may cause possession of such premises to be given in manner provided by that Act.

Special Certificates for Sale for Consumption on the Premises only.

20 **30.** Where a person applies to the licensing justices for a new special inn certificate of the description mentioned in the second Inn certificate. schedule to this Act, and satisfies them—

(1.) That he has published the notice of his application required by this Act;

25 (2.) That the premises to which the certificate is proposed to be attached are not disqualified premises, and are both in their structure and fitting up adapted for an inn for the accommodation of persons taking meals at such inn, and travellers and lodgers, and not for the purpose of selling
30 intoxicating liquors to persons in the neighbourhood not taking meals in such inn; and

(3.) That he is of good character and not a disqualified person; such justices may, if they think fit, grant to the applicant a new special inn certificate attached to such premises, and shall cause a
35 description of such premises to be entered in the certificate.

There shall be paid in respect of an inn certificate in advance every year during its continuance a license rent of *four pounds* per cent. on the annual gross value of the premises to which such certificate is for the time being attached, so however that no such license
40 rent be less than *two pounds*, nor more than *twelve pounds*, and the clerk to the licensing justices shall obtain payment of such license rent before he issues the certificate.

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*Special
Certificates.*Eating-
house
certificate.

31. Where a person applies to the licensing justices for a new special eating-house certificate, of the description mentioned in the second schedule to this Act, and satisfies them—

- (1.) That he has published the notice of his application required by this Act: 5
- (2.) That the premises to which the certificate is proposed to be attached are not disqualified premises, and are both in their structure and fitting up adapted for the purpose of an eating-house and not for the purpose of selling intoxicating liquors to persons not taking meals in such premises: and 10
- (4.) That he is of good character and not a disqualified person: such justices may, if they think fit, grant to the applicant a new special eating-house certificate to be attached to such premises, and shall cause a description of such premises to be entered in the certificate. 15

There shall be paid in respect of an eating-house certificate in advance every year during its continuance a license rent of *three pounds* per cent. on the annual gross value of the premises to which the certificate is for the time being attached, so, however, that no such license rent be less than *one pound ten shillings* nor more 20 than *nine pounds*, and the clerk to the licensing justices shall obtain payment of such license rent before he issues the certificate.

Miscellaneous provisions as to special certificate for an inn or eating-house.

32. With respect to a special certificate for an inn or eating-house the following provisions shall have effect:

- (1.) The provisions of this Act with respect to a manager in the 25 case of a publican's certificate shall apply, mutatis mutandis, in the case of a special inn and an eating-house certificate, and the licensing justices shall not direct the issue of a special inn or eating-house certificate until they have approved of the manager of the business to be carried on 30 under such certificate:
- (2.) The licensing justices may, if they think fit, postpone the issue of the certificate until the grantee of such certificate has obtained their approval of the structure and fitting up of the premises to which such certificate is to be attached, 35 and in such case the provisions of this Act with respect to the approval of premises in the case of an allottee of a publican's certificate shall apply mutatis mutandis:
- (3.) The provisions of this Act with respect to the survey and provisional approval of premises and plans, and the alteration of premises, in the case of a publican's certificate, 40 shall apply mutatis mutandis in the case of a special

certificate for an inn or eating-house, with the following alteration, namely: A.D. 1871.

*Special
Certificates.*

An application for a survey or provisional approval of plans for premises may be made before the application for a certificate, and in such case the licensing justices shall not refuse the certificate on the ground that the premises are not in their structure and fitting up adapted for the purposes of the certificate, unless upon the grounds mentioned in the said provisions, upon which they may refuse to approve of premises after such provisional survey and approval.

33. Where a person applies to the licensing justices for a special railway refreshment room certificate of the description mentioned in the second schedule to this Act, and satisfies them—

Railway
refreshment
room certi-
ficate.

(1.) That he has published the notice of his application required by this Act:

(2.) That he is of good character and not a disqualified person:

(3.) That the premises to which the certificate is proposed to be attached are in a railway station, and are not disqualified premises,

such justices may, if they think fit, grant to him a new railway refreshment room certificate attached to such premises, and shall cause a description of such premises to be entered in the certificate.

Premises shall not be deemed to be disqualified for the purpose of a railway refreshment room certificate by reason only that they are not of sufficient annual gross value.

34. Where a person applies to the licensing justices for a special refreshment house wine certificate (of the description mentioned in the second schedule to this Act) in respect of any premises, and satisfies them—

Refreshment
house wine
certificate.

(1.) That he is licensed to keep such premises as a refreshment house under the Intoxicating Liquor Repeal and Billiard and Refreshment House Act, 1871: and

(2.) That he—

(a.) Pursues therein the trade or business of a confectioner; or,

(b.) Keeps open such house as an eating-house and not for the purpose of selling intoxicating liquors to persons not taking meals in such premises; and

(3.) That the said premises are not disqualified premises, and are both in their structure and fitting up adapted for the purpose of such trade or business of a confectioner, or for the purpose of an eating-house and not for the purpose of selling intoxicating liquors to persons not taking meals in such premises; and

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*Special
Certificates.*

(4.) That he is of good character and not a disqualified person, such justices shall grant him a new refreshment house wine certificate attached to the said premises, and shall cause a description of such premises to be entered in the certificate.

Certificate to
a proprietor
of theatre.

35. Where any person applies to the licensing justices for a theatre certificate of the description mentioned in the second schedule to this Act, and satisfies them—

- (1.) That he has published the notice of his application prescribed by this Act ;
- (2.) That he is authorised, as provided by the Act of the session 10 of the sixth and seventh years of the reign of Her present Majesty, chapter sixty-eight, intituled “ An Act for “ regulating theatres,” to have or keep any premises for the public performance of stage plays ;
- (3.) That such premises are not disqualified premises ; and 15
- (4.) That he is not a disqualified person,

such justices shall grant to the applicant a new theatre certificate attached to such premises, and shall cause a description of such premises to be entered in the certificate.

Before the issue of the certificate the grantee thereof shall 20 obtain the approval by the justices of the person who is to manage the business authorised by the certificate, and the provisions of this Act with respect to the approval of the manager in the case of a publican’s certificate shall apply to the approval of a manager for the purposes of this section, but such manager shall not be bound 25 to reside on the premises if he is in constant attendance while the business is being carried on.

An application to the licensing justices under this section may be made by an agent of the applicant unless such justices for some special reason require the personal attendance of the applicant. 30

A theatre certificate shall cease to be of any force if the premises to which the same is attached cease to be authorised as aforesaid to be kept for the public performance of stage plays, and shall not authorise the sale of any intoxicating liquor if such premises are for the time being not used for the public performance of stage 35 plays.

Certificates for Sale for Consumption off the Premises only.

Beershop
certificates.

36. Where any person applies to the licensing justices at any licensing sessions for a beershop certificate of the description mentioned in the second schedule to this Act, and satisfies them— 40

- (1.) That he has published the notice of his application required by this Act :

(2.) That he is of good character and is not a disqualified person : **A.D. 1871.**

(3.) That he resides on the premises ; and

(4.) That the premises to which the certificate is proposed to be attached are not disqualified premises, *Certificates for Sale for Consumption off.*

5 the justices shall grant him a new beershop certificate attached to such premises, and shall cause a description of such premises to be entered in the certificate.

37. Where a person applies to the licensing justices at any licensing sessions for a closed vessel retail certificate of one of the 10 descriptions mentioned in the second schedule to this Act, and satisfies them—

(1.) That he is not a disqualified person ; and

(2.) That the premises to which the certificate is proposed to be attached are not disqualified premises,

15 the justices shall grant him a new closed vessel retail certificate of the description applied for, attached to such premises, and shall cause a description of such premises to be entered in the certificate.

Premises which are not used as a shop for the sale of goods 20 other than intoxicating liquors shall be deemed to be disqualified premises for the purposes of closed vessel wine retail certificate under this section.

No notice need be given by the applicant of an application for a certificate under this section, and the application may be made by 25 an agent of the applicant unless the licensing justices for any special cause require the applicant to attend in person.

Continuance of Certificates.

38. A certificate under this Act shall, unless previously forfeited, remain in force until the *twentieth day of October* next after the 30 day of the meeting of the ensuing general annual licensing sessions and no longer, unless continued as herein-after mentioned ; but if the general licensing sessions are adjourned to some day after the twentieth day of October, the licensing justices may, if they think fit, postpone the expiration of all or any certificates in their division 35 until the day to which such sessions are so adjourned.

Duration of certificates, and annual continuance of them.

39. In order to obtain the continuance of a certificate under this Act the holder thereof must by himself or his agent appear at the general annual licensing sessions, or some adjournment thereof.

Attendance of holder or manager for continuance of certificate.

The licensing justices may, if they think fit, direct that all the 40 holders of certificates or any class of certificates in their licensing division or in any licensing district thereof, or the holder of any

A.D. 1871. particular certificate, or the managers or manager of any such holders
 Continuan- or holder, shall each attend in person at the time of the application
 ce of Certi- for the continuance of the certificate which he holds or under which
 ficates. he is manager.

Such direction shall be given not less than eight days before the 5
 time at which attendance is required, and where it applies to all the
 holders of certificates or any class of certificates in the licensing
 division or any district thereof, may be given by inserting the same
 in the notice of the holding of the general annual licensing sessions ;
 and where it applies to any particular holder or manager, may be 10
 given either by serving the same on the person required to attend,
 or by leaving the same at the premises to which the certificate is
 attached.

Proceedings
 for con-
 tinuance of
 certificate.

40. At the sessions the holder shall produce his certificate, and
 deliver the same to the clerk to the licensing justices, and when he 15
 has satisfied the licensing justices of the matters of which he would
 be required under this Act to satisfy them before the grant or issue
 of such certificate if it were new, or of such of these matters as they
 may require, and also of the special matters hereafter in this section
 mentioned, such justices shall order the certificate to be continued 20
 during the ensuing year, and cause such continuance to be endorsed
 on the certificate as soon as the license rent and fees, if any, have
 been paid, and upon such endorsement being made the certificate
 shall continue in force until the twentieth day of October in the
 ensuing year, but nothing shall require any person to give notice 25
 of an application for the continuance of his certificate.

Provided that the holder shall satisfy the justices of the following
 special matters ; (that is to say,)

- (1.) In the case of a certificate under which the approval of a
 manager is required, the holder shall satisfy the justices 30
 that his manager has duly resided during the past year :
- (2.) In the case of a beershop certificate the holder shall satisfy
 the justices that he has resided during the year :
- (3.) In the case of a special certificate the holder shall satisfy
 the licensing justices, by means of his accounts or other- 35
 wise, as they may require, that he has during the previous
 year in good faith carried on the business for which the
 certificate was granted, and not any other business.

Where the continuance of a certificate is refused the justices
 shall order the certificate to be retained by their clerk and 40
 cancelled.

41. At the general annual licensing sessions which are held next after the expiration of *ten years* after the commencement of this Act, and of every subsequent period of ten years, no publican's certificate shall be continued, and the holders of all publican's
- 5 certificates which expire at the end of such sessions shall deliver such certificates to the clerk to the licensing justices to be cancelled, and no new certificate shall be issued to any such holder until he has complied with the provisions of this section.

A.D. 1871.

*Continuance
of Certi-
ficates.*Publicans'
certificates
at the end
of ten years.*Removal and Transfer.*

- 10 42. A certificate under this Act shall be valid only for the premises to which it is for the time being attached, and a description of which is entered in the certificate, unless the same is removed as provided by this section.

Removal of
certificate to
new pre-
mises.

- Where the holder of any publican's certificate applies to the
- 15 licensing justices for the removal of the certificate to new premises, and satisfies them—

- (1.) That he has given the like notice as in the case of the approval of premises; and
- (2.) That the new premises are in the same district and are not
- 20 disqualified premises;

the licensing justices may, if they think fit, authorise such removal, and cause a description of the new premises to be entered in or endorsed on the certificate in lieu of the description of the former premises.

- 25 The provisions of this Act with respect to the approval of premises on the issue of a certificate shall apply in the case of an application for removal.

43. Where the holder of a certificate desires to transfer his certificate to another person, and he or his proposed transferee
- 30 applies to the licensing justices to authorise such transfer, and satisfies them—

Transfer of
certificates
to new
holder.

- (1.) That both the transferor and proposed transferee consent to the transfer:
- (2.) That the applicant has given the like notice as would be
- 35 required upon an application for the issue or grant of a new certificate of the same description:
- (3.) That the proposed transferee is not a disqualified person and has the other qualifications, if any, required for the holder of such a certificate,

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Removal
and Trans-
fer.Provisions
as to trans-
mission of
certificates
on marriage,
bankruptcy,
or death.

the licensing justices shall authorise such transfer, and cause the name of the transferee to be entered in or endorsed on the certificate in lieu of the name of the transferor.

44. Where the interest in any certificate is transmitted by the marriage, bankruptcy, or death of the holder thereof or otherwise by operation of law, the following provisions shall have effect :

- (1.) The person to whom the same is so transmitted, or his proposed transferee, may apply for a transfer, and proof of such transmission shall be deemed for the purposes of this section equivalent to the consent of such holder : 10
- (2.) If the time for the annual continuance of such certificate occurs before an application can be made for a transfer of such certificate, the licensing justices may appoint some future day, either at the general annual licensing sessions or not, for considering the application for a continuance of the certificate, and continue the same provisionally until that day upon such terms as to payment of license rent or otherwise as they think just, or may make such other order in the matter as they think just : 15
- (3.) If the person to whom the same is so transmitted is a disqualified person such certificate shall not be thereby avoided if it is transferred by such person in manner provided by this Act within *three months*, or such further time as the licensing justices may allow, after the date at which such interest became so transmitted, and such disqualified person shall have the same right of transferring such certificate as if he were not so disqualified : 20 25
- (4.) If the widow or any child or next of kin of a deceased holder satisfies the licensing justices that there is no legal personal representative of the deceased, and that no application has been or is likely to be made to take out personal representation to the deceased, and that the applicant is entitled to the business carried on by the deceased, such justices may, if they think fit, direct the certificate to be transferred to such applicant or her or his transferee. 30 35

Saving as to
transfer.

45. Nothing in the provisions of this Act with respect to the transfer of certificates shall affect any provision of this Act with respect to a manager, or with respect to the determination of a certificate at the expiration of any period of ten years, or the forfeiture or discontinuance thereof at any time. 40

Interim Orders.

A.D. 1871.

Interim Orders.

46. Where the holder of any certificate dies the following provisions shall have effect :—

Interim
holder in
case of
death.

5 (1.) The legal personal representative (if any) or if there is none, the widow, or any child or next of kin of the deceased, notwithstanding he, she, or any of them may be disqualified, may, without a transfer being made, as provided by this Act, carry on the business authorised by such certificate during the period which may elapse before the first licensing sessions held after the expiration of one month from the date of the death, or during such further period as the licensing justices may allow if the certificate does not first expire or determine :

10 (2.) The person who intends so to carry on the business shall give notice of such intention in writing to the clerk of the licensing justices within fourteen days after the death, and such person shall thereupon be deemed for the purposes of this Act to be the holder of the certificate for the purpose of carrying on the business during the period aforesaid, and
20 be subject to the provisions of this Act accordingly.

47. Where the holder of any certificate applies to the authority herein-after mentioned for an interim order under this section, and satisfies such authority—

Interim
order in case
of fire or
accident or
removal.

25 (1.) That the premises to which such certificate is attached have been destroyed or rendered unfit for use by fire or tempest, or any accident whatever ; and

(2.) That the premises in respect of which the application is made are not disqualified premises :

such authority may, if such authority think fit, grant an interim
30 order of removal, and upon doing so shall cause a description of the temporary premises to be entered in such order.

The order shall during the period for which it is in force have the same effect as if the certificate had been duly removed to the premises named in such order, but the granting of such order shall
35 not in any way affect the power or discretion of the licensing justices at the next licensing sessions.

No notice need be given of an application for an interim order under this section.

48. Where the holder of a certificate under this Act has agreed
40 to transfer such certificate, and it is desired to hand over the business carried on under such certificate to such transferee before there has

Interim
order on
transfer.

A.D. 1871. been an opportunity of applying under this Act for the transfer of such certificate, such holder or transferee may apply to the authority herein-after mentioned for an interim order under this section authorising the transferee to carry on the business authorised by such certificate, until the next licensing sessions are held, and upon 5 satisfying the said authority—

*Interim
Orders.*

(1.) That the transferor and transferee consent to the grant of such interim order; and

(2.) That the transferee is not a disqualified person, the said authority may, if such authority think fit, grant an interim 10 order of transfer to the transferee, and upon doing so shall cause the name of the transferee to be entered in the order.

Such order shall during the period for which it is in force have the same effect as if the certificate had been duly transferred to the transferee named in such order, but the granting of such order shall 15 not in any way affect the power or discretion of the licensing justices at the next licensing sessions.

Authority
for granting
interim
order.

49. The authority for granting an interim order in the case of removal or transfer shall be any two justices in petty sessions or any single justice, but if granted by a single justice shall cease to 20 have effect unless continued by two justices in the next petty sessions, or by the licensing justices in the next licensing sessions, whichever shall first happen, and such an order granted or continued by two justices in petty sessions, or a metropolitan or stipendiary police 25 magistrate, shall cease to have effect unless continued by the licensing justices in the next licensing sessions, and such a certificate granted or continued by the licensing justices in licensing sessions shall cease to have effect unless continued by the justices in the next licensing sessions.

The period for which the order is granted or continued shall, 30 subject as aforesaid, be at the discretion of the justices or justice by whom the same is granted or continued, and shall be specified therein.

Interim
order in
case of
appeal.

50. Where any person appeals to a court of quarter sessions against anything done by a court of summary jurisdiction which 35 has the effect by forfeiture or otherwise of determining a certificate held by him, and applies to the justice before whom he enters into the recognizance to try the appeal for an order under this section, such justice shall by order authorise the appellant to carry on, until the day for hearing the appeal, the business authorised by the 40 certificate which is so determined, and such order shall during its continuance have the same effect as if it were the said certificate

(which certificate shall be retained by the clerk to the court of summary jurisdiction until the appeal is heard).

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*Interim
Orders.*

In the event of an adjournment of the appeal the justices in quarter sessions may, if they think fit, extend the time limited by the order until the day to which the appeal is adjourned, and so on from time to time as occasion may require.

The appellant shall pay for such interim order the same license rent (if any) as he would pay for the certificate, or such proportionate part of the license rent as the justice or the justices in quarter sessions may direct.

The provisions of this Act with respect to the carrying on of a business in the event of the death of a holder of a certificate shall apply in the case of the death of a holder of an order under this section as if it were a certificate.

51. In the event of the mental incapacity of the holder of any certificate under this Act, the committee, wife, child, or other relation of such holder may apply to the authority hereafter mentioned for power to act on behalf of such holder for the purpose of this Act, and upon satisfying such authority of the mental incapacity of such holder, and of the applicant not being a disqualified person and being a proper person to act on behalf of such holder, the said authority may grant an order to the applicant, and such order shall so long as it is in force authorise the person named therein to act for the purposes of this Act on behalf of the holder of the certificate, and such person during the continuance of such order shall be deemed for the purposes of this Act to be the holder of the certificate, and be subject to the provisions of this Act accordingly.

Insanity of
holder of
certificate.

An order under this section may be granted by the authority following, that is to say:

By the licensing justices in licensing sessions, or by any two justices in petty sessions, or by any single justice of the peace, but such order if granted by one justice shall cease to have effect unless continued by two justices in the next petty sessions, or by the licensing justices in the next licensing sessions which ever shall first happen, and such an order granted or continued by two justices in petty sessions, or by a metropolitan or stipendiary police magistrate, shall cease to have effect unless continued by the licensing justices in the next licensing sessions, and such order if granted or continued by the justices in licensing sessions shall, unless discharged as herein-after mentioned, continue in force until the certificate is continued at the next general annual licensing sessions.

The holder of the certificate and also any person who is authorised

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*Interim
Orders.*

to apply under this section, may apply to the licensing justices to discharge an order made under this section, and to grant a new order, or for one of such purposes, and the justices may if they think fit grant such application.

The like notice shall be given of an application under this section 5 as is given of an application for a transfer.

Occasional Exemptions.

Occasional
exemptions
from con-
ditions of
certificate.

52. Where application is made to the local authority for an order of occasional exemption on any special occasion in any of the following cases; (that is to say,) 10

- (1.) By the manager of a business carried on under a publican's, inn, or eating house certificate, or the holder of a refreshment house wine certificate for an order exempting him from any penalty for carrying on such business at a place specified in the order, being other than the premises 15 specified in the certificate (which order is hereafter referred to as an order as to premises):
- (2.) By the manager of a business carried on under a special inn certificate for an order exempting him from any penalty for selling intoxicating liquors to persons other than those 20 to whom he can ordinarily sell the same (which order is in this Act referred to as an order as to persons):
- (3.) By the manager of any business carried on under a publican's, inn, or eating house certificate, or the holder of a refreshment house wine certificate for an order exempting him 25 from any penalty for not closing his premises during the time specified in the order, between the hours of nine at night and six in the morning (which order is in this Act referred to as an order as to closing):

the local authority may, if such authority think fit, subject to the 30 provisions herein-after contained, grant such order of exemption.

A special occasion for the purpose of this section means any public and lawful fair, and any race, regatta, lawful game, public dinner, meeting, lecture, ball, concert, festivity, or gathering.

Regulations
as to grant
of order of
occasional
exemptions.

53. With respect to the granting of orders of occasional exemption 35 on any special occasion the following regulations shall have effect:

- (1.) The order shall be for such period, not exceeding *six consecutive days*, as the local authority may fix, having regard to the nature of the special occasion:
- (2.) The order shall specify the special occasion and duration of 40 the order, and the nature of the exemption granted by the order:

A.D. 1871.

Occasional
Exemptions.

- (3.) An order as to premises shall specify the place at which the business is to be carried on under the order; but several orders for different places may, if the local authority think fit, be granted to the same applicant.
- 5 (4.) An order as to premises shall specify the hours during which business may be carried on under such order, except in the case of a public dinner, a ball, concert, or other like special occasion, not being before *sunrise* nor more than *one hour after sunset*, nor earlier nor later than is otherwise allowed under the provisions of this Act with respect to the closing of certificated premises:
- 10 (5.) An order as to closing shall specify the hours during which the exemption is to take effect:
- 15 (6.) An order as to closing shall not be granted to the holder of an order as to premises in respect of the same special occasion except in the case of a public dinner, a ball, concert, or other like special occasion:
- 20 (7.) The applicant for an order as to premises shall nominate himself or some other person as manager of the business at the place specified in the order; if he nominate another person he shall satisfy the local authority that such person is not a disqualified person, and is of good character; the name of such manager shall be specified in the order, and such manager shall be constantly present at the place
- 25 where the business is carried on under the order, and shall have the order in his possession:
- (8.) The order shall be in such form as may be fixed by the local authority:
- 30 (9.) The local authority may withdraw or alter by way of extension or restriction, but subject, as regards extension, to the provisions of this section, any order, in such manner as to such authority may seem expedient; so, however, as not to render illegal anything done under such order before the holder was informed of such withdrawal or alteration:
- 35 (10.) No notice need be given of an application for an occasional order of exemption.

54. The grantee of an order of occasional exemption shall pay such sum to the local rate as the local authority may on each such occasion fix, not exceeding, inclusive of any fees payable by such grantee, in the case of a fair or race *twenty shillings*, and in the case of any other special occasion *two shillings and sixpence* so however that the same charge shall be made to every applicant for an order of the same description on the same special occasion.

Payment for
and issue of
order.

An order of occasional exemption shall be issued in pursuance of

A.D. 1871. the directions of the local authority granting the same by the clerk or other officer of the local authority upon the payment of the said sum and fees, if any.

Occasional Exemptions.

Effect of order of occasional exemption.

55. An order of occasional exemption granted to the manager under any certificate shall during its duration have effect as if it were part of such certificate, and shall exempt such manager from any penalty under this Act for doing anything authorised by such order, and every act done in contravention of the tenor of such order, or of the conditions on which the same is granted, shall be deemed to be an act in contravention of the tenor of such certificate 10 or of the conditions on which such certificate was granted.

Any manager named in the order shall be deemed to be a manager under the certificate of which such order so forms part.

Regulations by quarter sessions as to occasional exemptions.

56. The secretary of state, court of quarter sessions, and court of the Lord Mayor and Aldermen respectively mentioned in the first 15 schedule to this Act in this behalf may from time to time make rules, and may from time to time revoke and alter such rules with respect to the grant and duration of orders of occasional exemptions, and the conditions on which such orders may be granted.

General Provisions as to Certificates.

20

Holding of more than one certificate for the same premises.

57. Save as provided in this section not more than one certificate under this Act shall be attached to the same premises, and a license under any other Act for the sale of any intoxicating liquor by wholesale or retail shall not be attached to or available for the whole or any part of the premises to which a certificate under this 25 Act is attached : Provided that nothing in this section shall prevent from being held together attached to the same premises—

- (1.) A publican's limited certificate together with a license or licenses which may authorise the sale by wholesale of any intoxicating liquor authorised by the license or licenses 30 taken out in pursuance of such certificate to be sold by retail :
- (2.) A beershop certificate together with any license which authorises the sale of beer by wholesale :
- (3.) A closed vessel retail certificate or license together with any 35 license which authorises the sale by wholesale of the liquor authorised by such certificate to be sold by retail :
- (4.) Any closed vessel retail license or certificate whether with or without a corresponding wholesale license together with any other closed vessel retail license, certificate or certificates, 40 either with or without the corresponding wholesale license or licenses, so however that a closed vessel wine retail certificate shall not be held with a retail spirit license :

(5.) A special inn certificate together with any license which authorises the sale by wholesale and not by retail of any intoxicating liquor : A.D. 1871.

General
Provisions
as to Certifi-
cates.

5 (6.) A special eating-house certificate together with any license or licenses which may authorise the sale by wholesale and not by retail of any liquor authorised by the license or licenses to be taken out in pursuance of such certificate to be sold by retail :

10 (7.) A refreshment house wine certificate, together with a closed vessel wine retail certificate.

15 Nothing in this section shall prevent any person from holding certificates or licenses of different descriptions attached to distinct premises, but no premises shall be considered distinct for the purposes of this section which adjoin each other or communicate with each other by other means than a public thoroughfare.

If any person holds any certificates or licenses in contravention of the provisions of this section he shall be liable to a police penalty not exceeding *ten pounds* for the first offence, and *one hundred pounds* for the second offence, and in every case shall be liable to 20 forfeit the certificates and licenses so held by him.

Premises to which a certificate under this Act or a license under any other Act is attached shall be deemed to be disqualified premises for the purpose of any application for a certificate which cannot under this section be attached to such premises together with the 25 first-mentioned certificate or license.

58. Where any person begins any business for which a certificate under this Act is required at any time after the expiration of the first quarter of the current year, the licensing justices may grant him such certificate on payment of a proportionate part of the 30 license rent payable for the said certificate under this Act, that is to say :—

Certificate
to be taken
out by new
beginners
for propor-
tionate part
of a year.

See 6 Geo. 4.
c. 81. ss. 17,
18.

(a.) If the certificate be taken out in the quarter ending the twentieth day of April, on payment of *three fourths* of the annual license rent :

35 (b.) If such certificate be taken out in the quarter ending the twentieth day of July, on payment of *one half* the annual license rent :

(c.) If such certificate be taken out in the quarter ending the twentieth day of October, on payment of *one quarter* of 40 the annual license rent.

No person shall be deemed to begin a business within the meaning of this section who has within *two years* previously held a certificate of the same description.

A.D. 1871. **59.** A certificate under this Act may be in the form prescribed in the fifth schedule to this Act, or as near thereto as circumstances admit, and shall be signed by the justices who grant the same, or any two of them.

*General
Provisions
as to Certifi-
cates.*

Form of
certificate.
Lost certifi-
cates.

60. Where the holder of or manager under any certificate under this Act has lost or mislaid the same, or is unable for any reason to produce or obtain possession of the same, he may on making a statutory declaration to the above effect, and to the effect that such certificate is valid, and on payment of the prescribed fee, obtain a copy of such certificate and of the endorsements thereon, from the clerk to the licensing justices by whom it was granted. 5 10

Such copy shall be expressed to be a copy, and certified by such clerk to be a true copy, and shall contain all entries in and endorsements on the original certificate, and shall have the same effect for the purposes of this Act as if it were the original certificate. 15

If any person wrongfully obtains under this section a copy of any certificate, or having obtained under this section a copy of any certificate, afterwards knowingly makes use of the original certificate for any of the purposes of this Act (unless he has returned such copy to the clerk of the justices to be cancelled), he shall be guilty of a misdemeanor, and liable on conviction to imprisonment, with or without hard labour, for any term not exceeding *twelve months*, or to a fine not exceeding *one hundred pounds*. 20

Defaced cer-
tificate.

61. Where a certificate has become defaced or otherwise illegible, or where for the purpose of any endorsement or otherwise it is convenient to issue a fresh certificate, the clerk to the licensing justices by whom such certificate was granted may, on payment of the prescribed fee, and the surrender to him for cancellation of the original certificate, issue to the holder thereof a fresh certificate containing such of the particulars in and such of the endorsements on the original certificate as are for the time being in force and applicable. 25 30

The licensing justices may, if they think fit, by order require a certificate to be surrendered for the purpose of the issue of a fresh certificate under this section, in which case no fee shall be payable therefor. 35

Forgery of
certificates.

62. If any person forge or counterfeit or fraudulently alter any certificate or copy of a certificate under this Act, or obtain or endeavour to obtain any certificate or license or continuance of a certificate or license, or any order under this Act, by means of any certificate or copy of a certificate which he knows to have been forged, counterfeited, or fraudulently altered, he shall be guilty of felony, and shall be liable at the discretion of the court to penal 40

servitude for a term not exceeding *seven years*, or to imprisonment with or without hard labour for a term not exceeding *two years*. A.D. 1871.

Every alteration of a certificate not authorised by the licensing justices shall, until the contrary is proved, be deemed to be a fraudulent alteration. *General Provisions as to Certificates.*

63. The licensing justices of each division shall cause their clerk to keep for such division the following registers ; namely, Register of certificates, holders, managers, and premises.

(1.) A register of all certificates issued under this Act for that division :

10 (2.) A register of all premises to which any such certificate is attached :

(3.) A register of the holders of every such certificate and their managers.

He shall enter in such register of certificates the particulars of every certificate issued for the division, and of every entry in and endorsement on such certificate made in pursuance of this Act, and the determination thereof (when determined) by lapse of time, forfeiture, or otherwise, and shall enter in every such register the records of convictions as required by this Act.

20 Every ratepayer and every holder of a certificate within a licensing division, upon payment of a fee of *one shilling*, and every inspector under this Act and any officer of excise in such division, without payment, shall be entitled at any reasonable time to inspect and take copies of or extracts from any register kept in pursuance of this section for such division ; and the clerk of the licensing justices and every other person who prevents his so inspecting or taking copies of or extracts from the same, shall be liable to a police penalty not exceeding *five pounds* for each offence.

The licensing justices may, if they think fit, cause the registers kept in pursuance of this section to be divided into parts and assign a part for one or more of the licensing districts in their division.

64. The licensing justices of every division shall cause a copy of every register of certificates, and register of premises kept in such division, to be sent as soon as possible after the general annual licensing sessions which are first held after the commencement of this Act, and after the expiration of every period of *ten years* dating from the commencement of this Act to the licensing officer for such division, or, if there is more than one such licensing officer, shall cause a copy of such parts of such registers as relate to the area within the jurisdiction of every such officer to be sent to such officer. Copies of registers for licensing officers and clerks of police courts.

They shall also at the same time cause to be sent to the clerk of any metropolitan police court, or stipendiary magistrate within the

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General
Provisions
as to Certifi-
cates.

jurisdiction of which court or magistrate any part of such division is situate, a copy of the registers of certificates, premises, and holders and managers, or of so much of such registers as relates to the area within such jurisdiction; and such clerk shall enter in the copies so sent the record of convictions required by this Act. 5

The licensing justices shall from time to time cause to be sent to every officer and clerk to whom copies of the registers are sent in pursuance of this section a notice in writing of all changes which take place in such registers as soon as may be after they take place, and shall, when requested so to do, but not oftener than once a 10 year, by the licensing officer or metropolitan or stipendiary police magistrate, send fresh copies of such registers.

Formation of Licensing Districts.

Formation
of licensing
districts.

65. With respect to the formation of licensing districts the following provisions shall have effect:—

15

- (1.) Where the licensing justices of any licensing division are of opinion that it is expedient to form licensing districts different from those formed by this Act, they may at any general annual licensing sessions held not less than seven days after notice has been given of the intention to propose 20 such a scheme, propound a scheme for the formation of licensing districts for such division, and for defining for the purposes of this Act the boundaries of any licensing district specified in such scheme which has no known legal boundary. The districts formed by such scheme 25 may be larger or smaller than those formed by this Act, so that they comprise the whole of the division:
- (2.) The licensing justices shall cause notice of such scheme to be published by advertisement and in such other manner as they may think fit, and shall fix a day to be specified in 30 such notice, and not less than fourteen days after the first publication of such notice, on which they will consider such scheme:
- (3.) At the sessions held on that day they shall consider such scheme and all objections and suggestions made to them 35 in writing with reference thereto, and shall at such sessions or an adjournment thereof, make an order for the formation of licensing districts in their division, either in accordance with such scheme or with such modifications as they think fit: 40

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*Formation
 of Licensing
 Districts.*

- (4.) When any such scheme is propounded at any general annual licensing sessions the grant of new certificates may be postponed and the sessions adjourned until some day not later than twenty-one days after the order for the formation of the licensing districts is made, and not later than the last day of February :
- (5.) The licensing justices shall cause notice of any order as to the formation of a licensing district to be published by advertisement, and in such other manner as they may think fit :
- (6.) An order forming a licensing district shall come into operation at the date of such publication or such later date as is mentioned in the order, and every district formed by such order shall for all the purposes of this Act be deemed to be a licensing district, and shall throughout this Act be substituted for the former part of a district, district, or districts which comprised the same area :
- (7.) No objection to the validity of the formation of a licensing district shall be made in any legal proceeding, other than a proceeding instituted for the purpose of trying such validity, unless the objector has given to the other parties to the proceeding seven days' previous notice in writing of his intention to make such objection, and after the expiration of six months from the date of the order for such formation coming into operation, no objection to the validity of such order or the formation of such district shall be made in any legal proceeding whatever :
- (8.) All expenses incurred by the licensing justices in forming licensing districts, shall be deemed to be expenses of the licensing justices under this Act.

66. The licensing justices may from time to time at any general annual licensing sessions, on the application of any ratepayers in the division not being less than one hundred in number, propound a scheme for making an order revoking or altering any order made by them with respect to the formation of any licensing district in their division, and all the provisions of this Act relating to any scheme propounded with respect to the formation of any licensing district shall apply mutatis mutandis to any scheme propounded in pursuance of this section.

Revision or
 alteration
 of order
 respecting
 licensing
 district.

67. In the *tenth year* after the commencement of this Act and every succeeding *tenth year*, the licensing justices may propound a scheme for the formation of licensing districts in their division,

Formation of
 licensing
 districts at
 end of ten
 years.

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*Formation
of Licensing
Districts.*

and for revoking or altering any order made by them for the formation of any licensing district in their division at any licensing sessions specially held for the purpose not less than five months before the expiration of such year, and shall not propound any such scheme at the general annual licensing sessions held next after 5 the expiration of such year.

*Licensing Justices and Sessions.*Licensing
sessions.

68. All Acts of the licensing justices under this Act shall (save as otherwise expressly provided) be done by them when assembled in special sessions for the purposes of this Act, in this Act referred 10 to as licensing sessions.

During the first eight days of October in each year, the licensing justices in every licensing division shall hold licensing sessions, to be called the general annual licensing sessions, and may continue such sessions from time to time, by adjournment to 15 such time and place, not being later than the twentieth day of October, as they may think convenient. The first of such sessions shall be held on the *third day of October one thousand eight hundred and seventy-one*, or such other of the first eight days of the same month as the licensing justices at any special sessions 20 held at any time after the passing of this Act may appoint.

They shall also hold during every year as many other licensing sessions as may be necessary, and they may fix the time for holding such sessions at the general annual licensing sessions or an adjournment thereof, or at any other licensing sessions. 25

The licensing justices shall cause public notice of every licensing sessions to be given not less than fourteen days, or in the case of the general annual licensing sessions twenty-one days, before they are held, by advertisement, and in such other manner as may from time to time be determined by the licensing justices. 30

Save as may be otherwise directed by the licensing justices from time to time, the grant and continuance of any certificate which authorises the sale of liquor to be consumed on the premises shall be made only at the general annual licensing sessions.

A chairman shall be chosen at every licensing sessions, and 35 every question arising at any such sessions shall be determined by a majority of the justices present and voting on the question, and in case of equality of votes the chairman shall have a second or casting vote.

Any act done by a majority of those present and voting on the 40 question in any such special sessions shall be deemed to be an act of the licensing justices.

69. A police magistrate within the metropolitan police district shall not be qualified to act as one of the licensing justices within such district, but may do any act with respect to certificates authorised to be done by two justices sitting in petty sessions or by a single justice; but, save as aforesaid, any stipendiary magistrate may act as one of the licensing justices so far as regards any licensing district wholly or partly within his jurisdiction; and may do alone any act as licensing justice which is authorised by this Act to be done by two justices or two licensing justices in petty sessions.

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*Licensing
Justices.*Qualification
of metropoli-
tan and
stipendiary
magistrates
to act.

70. Where it is shown to a Secretary of State with respect to any licensing division which is a borough or liberty (other than the Cinque Ports two ancient towns and their members), by any justice or ratepayer of such division, that the number of justices qualified to act under this Act in such division is not adequate to provide a sufficient attendance of justices at any licensing sessions, the Secretary of State may by order direct that the justices, or any of them, acting in and for any licensing division or divisions adjoining the first-mentioned licensing division, and qualified to act under this Act, may act together with such first-mentioned justices for all the purposes of this Act, and upon such order being made, the last-mentioned justices shall be deemed to be justices acting in and for the licensing division to which such order relates.

Provision for
licensing
divisions
where in-
sufficient
number of
justices.

A Secretary of State may from time to time, on the application of any justice of the peace or ratepayer in the licensing division, to which any order under this section relates, revoke or alter such order and make a new order in its place.

71. With respect to notices of applications to licensing justices under this Act, the following provisions shall have effect:—

Notices of
application
with respect
to certifi-
cates.

(1.) A person intending to make such application where such notice is required shall publish a notice of his intended application, specifying the name and address of the applicant, his residence and occupation during the six months previous to such notice, the description of the premises to which the certificate is or is proposed to be attached, and the time and place at which the application is to be made, and the description of the certificate to which the application relates:

(2.) In the case of an application for approval of a manager the notice shall specify the name and address of the proposed manager and his residence and occupation during the six months previous to the notice:

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*Licensing
Justices.*

- (3.) In the case of an application with respect to removal or transfer the notice shall specify the premises to which it is proposed to remove the certificate, or the name and address of the proposed transferee, and his residence and occupation during the six months previous to the notice: 5
- (4.) The notice shall be published by advertisement and by serving the same on the licensing justices and on the superintendent for the district of the inspectors herein-after mentioned not less than twenty-one days preceding the application, and by affixing the same to a public place in the neighbourhood, 10 and also by causing the same to be affixed during not less than two consecutive hours between ten in the morning and five in the afternoon, on each of not less than six days within twenty-one days and more than ten days preceding the application, in a conspicuous position on the 15 premises to which the certificate is or is to be attached:
- (5.) The same notice may relate to applications for any number of different purposes if such applications relate to the same premises, and are to be made at the same time and place.

Hearing of
persons in
opposition
to applica-
tion for
certificates.

72. The licensing justices shall not hear any person or receive 20 any evidence in opposition to any application made to them, except for the purpose of disproving anything of which the applicant is required by this Act to give evidence, or to satisfy the justices, or of showing that the evidence adduced by the applicant is insufficient or false. 25

The justices shall hear all evidence offered to them on oath, and may make such order as to the costs of any opposition as they think just.

Any person who intends to oppose any application shall give to the applicant notice in writing of such intention, and of the grounds 30 of his opposition, at least five days before the application is heard; but absence of notice shall not prevent the licensing justices, if they think fit, from calling any person to give evidence with reference either to such application, or to any evidence adduced by the applicant. 35

Adjourn-
ment of
hearing of
application.

73. The licensing justices may adjourn the hearing of any appli- cation made under this Act for the purpose of the production of further evidence or for any cause which they may think renders an adjournment necessary or just.

Enforcing
order of
licensing
justices.

74. Where the licensing justices, under the authority of this Act, 40 order any person appearing before them in any proceeding under

this Act, to do any act or pay any money, such order shall be deemed to be a summary order to the like effect made in pursuance of this Act by a court of summary jurisdiction, and may be enforced accordingly.

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Licensing
Justices.

- 5 **75.** Where the signatures of any licensing justices are required by this Act for any certificate, order, endorsement, document, or instrument made or issued by them in their capacity of licensing justices under this Act, such certificate, order, endorsement, document, or instrument shall be deemed to be signed by them if such signatures are
10 attached in presence of the justices by means of a stamp or seal, in such form as the justices may from time to time direct, with the counter-signature of the clerk of such justices under his own hand, and if purporting to be signed by such justices (by means of a stamp or otherwise), and countersigned by such clerk shall, until
15 the contrary is proved, be deemed to have been so signed, and to be receivable in evidence without proof of such signature, stamp, or seal; and if any person fraudulently counterfeits or alters any such signature or counter-signature, stamp, or seal, or uses any certificate, order, endorsement, document, or instrument on which
20 any such signature, counter-signature, stamp, or seal has been to his knowledge counterfeited or altered, he shall be guilty of felony and be liable to penal servitude for a term not exceeding *seven years*, or to imprisonment with or without hard labour for a term not exceeding *two years*.
- 25 **76.** Every notice and document required for the purposes of this Act to be served on or sent to the licensing justices, may be so served or sent by delivering the same to their clerk, or leaving or sending by post the same addressed to such clerk, at or to the office of such clerk.
- 30 **77.** There shall be payable in advance to every clerk to the licensing justices for the several matters to be done by him in pursuance of this Act, such fees as may be set down or mentioned in that behalf in the table of fees made under the Acts relating to the fees of clerks of special sessions or clerks of justices, and, sub-
35 ject to anything set down or mentioned in any such table hereafter to be made, the fees specified in the sixth schedule to this Act shall be deemed to be the fees set down or mentioned in such table, and all provisions in force with respect to the receipt of, accounting for, and application of any such fees, and otherwise with respect
40 to such fees shall apply to such fees as if they were set down or mentioned in such table.

Signature of
justices by
means of a
stamp.

33 & 34 Vict.
c. 29.

Service of
notices on
licensing
justices.

Fees of
clerks to
the justices.

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*Licensing
Justices.*Returns by
clerks to
justices, &c.,
and circula-
tion of lists.

78. The clerk to the licensing justices of every division shall, when required by a Secretary of State, and at least once in every year, send to such Secretary of State a list of all persons and premises which have become disqualified within such licensing division since the transmission of the previous list, or in the case of the first list since the commencement of this Act, and such other particulars with respect to matters under this Act as a Secretary of State may from time to time require. 5

A Secretary of State may from time to time take such measures as he thinks fit for circulating copies of all lists so sent to him throughout every licensing division in England. 10

*License Rent Fund.*Collection of
license rent
by stamps.
29 & 30 Vict.
c. 76.

79. All sums payable for license rent shall be collected by stamps in manner directed by the Public Offices Fees Act, 1866, in like manner as if such rents were fees, and that Act shall apply accordingly. 15

A clerk to the licensing justices shall not issue any certificate or order, and a local authority shall not grant any order, upon the issue, grant, or continuance of which a license rent is payable, until such certificate or order has been stamped with a proper stamp for the amount of the license rent, if any, payable in respect of such certificate or order. 20

A certificate or order, in respect of which a license rent is payable, shall not be valid unless it is stamped with a proper stamp for the amount of such rent. 25

All license rents shall be deemed to be sums payable to Her Majesty.

Account of
license rent
fund.

80. The Treasury shall annually cause to be made out for the twelve months up to the thirty-first day of March, an account showing on the one side all sums received from license rents during such twelve months, and on the other side all sums paid on account of the salaries and expenses of the force of the public-house inspectors established as herein-after provided. 30

Account to
show surplus
and deficit
and com-
parison for
two years.

81. The said annual account prepared in pursuance of this Act shall show the deficit or surplus of receipts as compared with expenditure, and the second of such yearly accounts and every subsequent account shall show the items for two consecutive years, and the increase or decrease of any item in the second of those years as compared with the first. 35

The first of the said annual accounts shall be made up for the period between the commencement of this Act and the thirty-first day of March one thousand eight hundred and seventy-two. 40

82. If in any twelve months there is a deficit on such annual account as aforesaid, the amount of such deficit shall be debited to the account in the next following twelve months: Provided that no such deficit shall be debited to any account unless and until there
 5 has been in some twelve months a surplus on the same account, and after there has been such a surplus the deficit (if any) of every subsequent twelve months shall be so debited, but not that of any year previous to that in which there first was a surplus.

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*Licensing
Justices.*Provision
for deficit on
accounts.

83. If in any twelve months there is a surplus on such annual
 10 account as aforesaid after debiting any such deficit, the Treasury shall cause the amount of such surplus to be apportioned among the counties and boroughs in England in proportion to the amount of license rents received in respect of certificates attached to premises in such counties and boroughs respectively, and shall, on or
 15 before the first day of September next following the day up to which the account is made up, cause the sum so apportioned to each county and borough to be paid out of the growing produce of the Consolidated Fund to the account of the local rate of such county or borough, and the receipt of the treasurer of such local rate shall
 20 be a good discharge for the same.

Provision
for surplus
on account.

84. The said annual account prepared in pursuance of this Act shall be laid before both Houses of Parliament within two months after the thirty-first day of March, if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

Account to
be laid
before
Houses of
Parliament.

25 *Receipts, Expenses, and Audit.*

85. All sums which are payable under this Act to the local rate may be collected in manner directed by the Local Stamp Act,
 1869.

Collection of
sums pay-
able to local
rate.
32 & 33 Vict.
c. 49.

86. All expenses incurred by the licensing justices under this
 30 Act shall be paid out of the local rate.

Expenses of
licensing
justices.

For the purpose of raising such expenses and also all other sums directed by this Act to be paid out of the local rate, the licensing justices may serve their precept on the rating authority requiring such authority to pay the amount specified therein to the clerk of
 35 such justices out of the local rate, and such rating authority shall cause their treasurer to pay the same accordingly, and the receipt of such clerk shall be a good discharge for the amount so paid.

If the rating authority have no moneys in the hands of their treasurer in respect of the local rate, they shall, for the purpose of
 40 raising the said amount, or if they have paid the amount, then for the purpose of reimbursing themselves they may, notwithstanding

A.D. 1871. any limit under any Act of Parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable. 5

Receipts,
Expenses,
and Audit.

If the rating authority of any place make default in paying the amount specified in any precept under this section, then, without prejudice to any other remedy, the licensing justices may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due, the same power as the rating authority has of raising the local rate or any contribution thereto, and shall have for that purpose access to the same books and documents as the rating authority. 15

Accounts
and audit.

87. The accounts of the receipts and expenditure under this Act of the local rate shall be from time to time made up to such days and audited in such manner as other receipts and expenditure in respect of the local rate are made up and audited.

A copy of such account shall on or before the first day of April 20 in every year be sent by the treasurer of the local rate to a Secretary of State.

(II.)—POLICE REGULATIONS.

General Police Offences.

Sale of
liquor with-
out a cer-
tificate.

88. Intoxicating liquor shall not be sold by retail, or exposed for sale by retail, by any person who is not authorised by a certificate under this Act to sell the same, or in any place in which he is not authorised by a certificate under this Act to sell the same. 25

Every person who acts in contravention of this section shall be liable, at the discretion of the court, for the first offence to a police penalty not exceeding *fifty pounds*, or to imprisonment for any time not exceeding *one month* with or without hard labour, and for the second and any subsequent offence to a police penalty not exceeding *one hundred pounds*, or to imprisonment for any time not exceeding *three months* with or without hard labour, and in the case of the first or any other offence he shall also be liable to be declared to be for ever, or for any term of years, a disqualified person for the purposes of this Act, and to forfeit all intoxicating liquor found in his possession, and the vessels containing the same, and shall also, if he holds any certificate under this Act, forfeit such certificate, and in any case the premises at which the same is sold or 35 40

exposed for sale shall be liable to be declared to be disqualified .A.D. 1871.
premises for a period of *five years*.

*General
Police
Offences.*

Where a person has been convicted of any offence under this section committed on any premises, a notice of such conviction may
5 be served on the person, if any, who receives the rent from the occupier of such premises, and if the offender was not the occupier on such occupier, and if within *three years* after the service of such notice any person is convicted of having committed an offence under this section upon such premises, [a police penalty not ex-
10 ceeding in the case of a first conviction *ten pounds*, and in the case of a second and any subsequent conviction *fifty pounds* shall be charged on such premises, and may be recovered as a police penalty from every person on whom such notice was served, or from any other owner of the premises.

15 Any person may without warrant apprehend any person found selling or exposing for sale any intoxicating liquor in contra-vention of this section, and may detain him for such reasonable time as may enable him to give notice to a constable, who shall forthwith carry the person so apprehended before a justice of the
20 peace.

89. Every holder of and manager under a certificate under this Act who under colour of such certificate carries on at the pre-
mises to which such certificate is attached any business in intoxi-
cating liquor which is not authorised by such certificate, or in any
25 way acts in contravention of the tenor of such certificate or of the conditions on which the same was granted, shall be liable for the first offence to pay a police penalty not exceeding *ten pounds*, and for the second and any subsequent offence to pay a police penalty not exceeding *thirty pounds*.

Penalty for
contravening
tenor of
certificate.

30 90. Every holder of and manager under a special certificate who at the premises to which such certificate is attached sells any intoxicating liquor to any person to whom he is not authorised by such certificate to sell the same shall be deemed to have acted in contravention of the tenor of such certificate, and in the case of
35 a conviction for a second offence shall be liable to forfeit his certificate.

Penalty for
holder of
special certi-
ficate carry-
ing on busi-
ness not au-
thorised by
certificate.

91. Where the holder of any certificate under this Act which authorises the sale of any intoxicating liquor for consumption only
off the premises where sold, sells any such liquor in pursuance of
40 such certificate, and any of the following offences are committed; namely,

Consump-
tion on the
premises of
liquor autho-
rised to be
sold for
consumption
off the
premises.

(1.) Where the purchaser of such liquor drinks the same on
such premises or in any place, whether a building or not,

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*General
Police
Offences.*

whether open or enclosed, whether a thoroughfare or not, which adjoins or is near to such premises, and is public or belongs to or is hired, used, or occupied by the seller of such liquor; or

- (2.) Where such liquor is taken by such seller or purchaser or 5
by any other person from such premises to be drunk on
account of or for the profit of the seller in any other
premises, whether a building or not, belonging to or hired,
used, or occupied by the seller,

such seller shall, unless he satisfies the court in the case of an 10
offence by another person that such offence was committed without
his privity or consent, and that he used all reasonable means to
prevent the same, and in the case of an offence by himself that
he had no intent to evade the tenor of such certificate, be deemed
to have acted in contravention of the tenor of such certificate: 15

And such purchaser or person taking such liquor, unless he proves
to the court that he did not know the seller was only authorised to
sell such liquor to be drunk off the premises where sold, shall be
liable to a police penalty not exceeding *forty shillings*.

32 & 33 Vict.
c. 37. s. 14.

And in any proceeding under this section it shall not be necessary 20
to prove that the premises to which such liquor is taken to be
drunk belonged to, or were hired, used, or occupied by the seller, if
proof be given to the satisfaction of the court hearing the case that
such liquor was consumed therein with intent to evade the tenor of
the certificate. 25

Offences
where sale
of liquor
authorised
for consump-
tion on the
premises.

92. Where the holder of or manager under any certificate under
this Act which authorises the sale of any intoxicating liquor for
consumption only on the premises where sold, sells in pursuance of
such certificate any intoxicating liquor, and such liquor is taken by
the seller or purchaser of such liquor or by any other person off the 30
premises described in the certificate, such seller shall, unless he satis-
fies the court in the case of an offence by another person that such
offence was committed without his privity or consent, and that he
used all reasonable means to prevent the same, and in the case
of an offence by himself that he had no intent to evade the tenor 35
of his certificate, be deemed to have acted in contravention of the
tenor of his certificate :

And such purchaser or person taking such liquor, unless he proves
to the court that he did not know the seller was authorised only to
sell such liquor to be drunk on the premises where sold, shall be 40
liable to a police penalty not exceeding *forty shillings*.

Penalty for
permitting
drunkenness.

93. Where the holder of or manager under a certificate under
this Act which authorises the sale of any intoxicating liquor for

consumption on the premises, knowingly permits drunkenness or any violent, quarrelsome, indecent, or disorderly conduct to take place on his premises, he shall be deemed to have acted in contravention of the conditions on which the certificate was granted.

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General
Police
Offences.

- 5 Where drunken persons are found on the premises, or where any intoxicating liquor is sold to a drunken person, the holder of the certificate, or manager (as the case may be), shall be deemed knowingly to permit drunkenness to take place on his premises unless he satisfies the court that he took all reasonable means to ascertain
10 and had reasonable ground for believing that such persons or person were or was not drunk.

Penalty for
keeping
disorderly
house.

94. Where the holder of or manager under a certificate under this Act which authorises the sale of any intoxicating liquor for consumption on the premises, keeps a disorderly house; that is to
15 say,

(1.) knowingly permits reputed prostitutes, reputed thieves, or other persons of notoriously bad character to assemble or meet on his premises; or

20 (2.) knowingly permits his premises to be the habitual resort of or place of meeting for reputed prostitutes, reputed thieves, or other persons of notoriously bad character,

he shall be deemed to have acted in contravention of the conditions on which the certificate was granted, and in the case of a conviction for a second offence the certificate shall be forfeited.

- 25 95. Where the holder of or manager under a certificate under this Act which authorises the sale of any intoxicating liquor for consumption on the premises, allows the premises to which such certificate is attached to become or to be a brothel, he shall on conviction be liable to a penalty not exceeding twenty pounds, and to
30 be declared to be a disqualified person for a period not exceeding *two years*, and the certificate attached to such premises shall be forfeited, and the premises shall be deemed to be disqualified premises for a period of *two years*.

Penalty for
allowing pre-
mises to be a
brothel.

35 96. Where the holder of or manager under a certificate under this Act does any of the following things; that is to say,

General
offences by
holders of
certificates.

(1.) Knowingly harbours or knowingly suffers to remain on the premises to which such certificate is attached any constable or inspector under this Act during any part of the time appointed for such constable or inspector being on duty,
40 unless for the purpose of keeping or restoring order or in execution of his duty; or

(2.) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable or inspector on duty unless by

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*General
Police
Offences.*

authority of some superior officer of such constable or inspector, or in the execution of his duty by such inspector; or

(3.) Bribes or attempts to bribe any constable or inspector, of whatever rank; or 5

(4.) Suffers any gaming or any unlawful game to be carried on in his premises,

he shall be deemed to have acted in contravention of the conditions on which the certificate was granted.

2 & 3 Vict.
c. 47. s. 49.

It shall not be necessary in support of any proceeding under this section for suffering any gaming to be carried on in any premises, to prove that any person found playing at any game was playing for any wager, stake, money, or money's worth. 10

Penalty for
internal com-
munication
between cer-
tified pre-
mises and
house of
public resort.
See 2 & 3
Vict. c. 47.
s. 45.

97. Every person who makes or uses, or allows to be made or used, any internal communication between any premises to which a certificate under this Act is attached and any premises which are used for public entertainment or resort, or as a refreshment house, and have not any certificate under this Act attached to them, or which are disqualified premises, or any communication with any premises which renders the premises to which the certificate is attached disqualified premises, shall be liable to a police penalty not exceeding *ten pounds* for every day during which such communication remains open; and the holder of or manager under such certificate shall be deemed to have acted in contravention of the conditions on which the certificate was granted. 15 20 25

Storing of
one liquor
by persons
authorised
only to sell
another.

98. If any person, being a holder of or a manager under a certificate under this Act, receives into or keeps or has in his possession in the premises to which such certificate is attached, any description of intoxicating liquor which he is not authorised to sell, he shall forfeit the last-mentioned liquor and the vessels containing the same, and shall be deemed to have acted in contravention of the tenor of such certificate. 30

Certificate
holders or
managers to
put over
their pre-
mises their
names and
trades.

99. Every person carrying on any business for which he is required to be the holder of or manager under any certificate under this Act shall cause to be, and shall keep painted or fixed on the premises to which such certificate is attached, his name and words expressing his business, as provided by the excise regulations of this Act, and no person shall have any words or letters on his premises importing that he carries on or is authorised as holder of or manager under any certificate or license to carry on any trade in intoxicating liquor which he is not in fact duly authorised to carry on. Every person who acts in contravention of the provisions 35 40

of this section shall, if he is the holder of or manager under a certificate, be deemed to act in contravention of the tenor of such certificate, and if he is not such a holder or manager shall be liable to a police penalty not exceeding *twenty pounds*.

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General
Police
Offences.

- 5 **100.** Every holder of a certificate, interim order, or order of occasional exemption under this Act, shall by himself, his manager, agent, or servant, and every manager shall by himself, his agent, or servant produce such certificate or order within a reasonable time after the production thereof is demanded by a justice of the peace,
10 constable, or officer of excise, and deliver the same to be read and examined by him. Any person who acts in contravention of this section shall be liable to a police penalty not exceeding *forty shillings*.

Production
of certificate.
2 & 3 Vict.
c. 47. s. 49.

- 15 **101.** Every person who being the holder of or manager under any certificate under this Act, sells or allows any person to sell any description of spirits or wine to any person apparently under the age of sixteen years, whether for consumption by such person or not, shall be liable to a police penalty not exceeding *twenty shillings* for the first offence, and not exceeding *forty shillings* for the second
20 and every subsequent offence.

Sale of
spirits or
wine to
children.
Sec 2 & 3
Vict. c. 47.
s. 43.

- 102.** Every person who knowingly buys or obtains, or attempts to buy or obtain any intoxicating liquor from any person under such circumstances as render the person selling the same liable to any penalty or forfeiture under this Act, shall be liable to a police
25 penalty not exceeding *forty shillings*.

Penalty on
buyer.

- 103.** Where a seller of intoxicating liquor is authorised by a certificate under this Act only to sell to a particular class of persons, every person who, by falsely representing himself to be one of such class of persons, buys or obtains or attempts to buy or obtain from
30 such seller any intoxicating liquor, refreshment, or article which such seller can only sell to such class of persons, shall be liable to a police penalty not exceeding *five pounds*.

Penalty on
false repre-
sentations to
keeper of
inn or rail-
way refresh-
ment room.

Closing of Certificated Premises.

- 35 **104.** Subject to the exceptions in favour of lodgers and travellers herein-after contained, all premises for the sale of any intoxicating liquor shall be closed as follows :

Closing of
premises for
sale by
retail of
liquors.

(1.) All premises for the sale of any intoxicating liquor to be consumed off the premises only shall be closed

- 40 (a.) On every day during the whole time before *seven o'clock* in the morning and after *ten o'clock* at night; and also

[104.]

F 4

A.D. 1871.

Closing of
Certificated
Premises.

(b.) On Sunday, Christmas Day, Good Friday, and any public fast or thanksgiving day during the whole time before *half an hour after noon* and between the hours of *three and five o'clock* in the afternoon, and during the whole time after *nine o'clock* at night : 5

(2.) All premises for the sale of any intoxicating liquor to be consumed on the premises, or either on or off the premises, shall be closed

(a.) On every day during the whole time before seven o'clock in the morning, and if situate within 10 any licensing district in the metropolitan police district no part of which is situate within four miles from Charing Cross measured in a straight line, or in a town containing a population of not less than ten thousand inhabitants during the whole time after *eleven* 15 *o'clock* at night, and if situate elsewhere during the whole time after *ten o'clock* at night; and also

(b.) On Sunday, Christmas Day, Good Friday, and any public fast or thanksgiving day in all places, during the whole time after *nine o'clock* at night, and in the 20 case of premises to which an inn or eating-house certificate is attached, during the whole time before *half an hour after noon*, and between the hours of *three and five o'clock* in the afternoon, and in the case of premises to which any other certificate is attached during the whole 25 time before *one o'clock* in the afternoon, and between the hours of *three and seven o'clock* in the afternoon.

The term public fast or thanksgiving day for the purposes of this Act means any day appointed by lawful authority to be observed as a public fast or as a day of public thanksgiving. 30

Power to
close houses
in case of
riot.
9 Geo. 4.
c. 61. s. 20.

105. Any two justices of the peace acting for any place where any riot or tumult happens, or is expected to happen, may order every person who sells or exposes for sale or keeps any premises for the sale of any intoxicating liquor by retail, or by retail and wholesale, in or near such place, and within their jurisdiction, to close those 35 premises during such period as may be specified in such order. Such order may be served by delivery thereof to such person, or by leaving the same at the premises to be closed, and shall be duly observed, and if such order is not observed, then without prejudice to the recovery of any penalty for such non-observance, 40 any person when ordered by any two justices may use force for the purpose of closing such premises without being responsible for the consequences of using such force.

106. Where any premises for the sale of any intoxicating liquor are required by this Act or by any order of the justices made thereunder to be closed during any period such premises shall be closed during such period and shall not be opened for the sale or consumption of any article whatever or for the purpose of any game, and no intoxicating liquor or refreshment and no article of any description kept for sale on such premises shall be sold during such period; and such premises shall be at the beginning of such period clear and during such period kept clear of all persons not inmates or servants or lodgers in such premises.

A.D. 1871.

*Closing of
Certificated
Premises.*Effect of
closing
house.

Provided that nothing in the provisions of this Act relating to the closing of certificated premises shall prevent any person from selling for consumption on the premises any intoxicating liquor or refreshment or article kept for sale, as follows; that is to say,

- 15 (1.) Between the hours of *seven* o'clock in the morning and *ten* o'clock at night on Sunday, Christmas Day, Good Friday, or any public fast or thanksgiving day to any traveller; or
(2.) At any time to persons lodging in his premises; or
(3.) At any time at a railway station to any bonâ fide railway
20 traveller, that is to say, any person arriving at or departing from such station by railroad,

or from allowing any purchaser of the liquor, refreshment, or article so sold to be on his premises during the time that he can so sell the same to such purchaser.

- 25 If during any period during which any premises are required as provided by this section to be closed, any person is allowed to enter or remain on such premises, such premises shall be deemed not to have been closed as required by this section unless the defendant in any proceeding for a penalty satisfies the court that
30 such person was not on the premises in contravention of this section.

Every person who being the holder of or manager under any such certificate fails to comply with or acts in contravention of the provisions of this section shall be deemed to have acted in contravention of the conditions on which the certificate was granted.

- 35 For the purposes of the provisions of this Act which relate to travellers a person shall not be deemed to be a traveller unless he is at least *five miles* from the place of his residence for the time being.

107. If, during any period during which any premises are re-
40 quired under the provisions of this Act with respect to the closing of certificated premises to be closed, any person to whom intoxicating liquor cannot be sold during such period buys or obtains or attempts to buy or obtain at such premises any intoxicating

Persons
buying on
or found on
premises or
falsely repre-
senting

A.D. 1871. liquor, refreshment, or article, such person shall be liable to a police penalty not exceeding *two pounds*.

*Closing of
certificated
Premises.*

themselves
to be tra-
vellers.

If during the said period any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger in such premises, or a traveller, or a bonâ fide 5 railway traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of certificated premises, be liable to a police penalty not exceeding *two pounds*.

33 & 34 Vict.
c. 29. s. 6.

Any constable may demand the name and address of any person 10 found on any premises during the period during which they are required by the said provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his 15 name or address or such evidence, apprehend him without warrant and carry him before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence of the correctness of such 20 name and address, shall be liable to a police penalty not exceeding *five pounds*.

Every person who by falsely representing himself to be a traveller or railway traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor, refreshment, or 25 article during the period during which such premises are closed in pursuance of this Act, shall be liable to a police penalty not exceeding *five pounds*.

Power to
local autho-
rity to grant
exemption
from closing
in the morn-
ing and at
night.
See 28 & 29
Vict. c. 77.
s. 2.

108. The local authority of any licensing division, upon the pro-
duction of such evidence as such authority deem sufficient to show 30
that it is necessary or desirable so to do for the accommodation of
any considerable number of persons attending any public market
or following any lawful trade or calling, may grant, if such authority
think fit, to any holder of or manager under a publican's general
certificate attached to premises in the immediate neighbourhood of 35
such market or of the place where the persons follow such lawful
trade or calling, an order, exempting him from the provisions of
this Act with respect to the closing of certificated premises on such
days and during such time, except between the hours of *one and*
two o'clock in the morning as may be specified in such order. 40

There shall be paid by the grantee of an order under this section
such reasonable sum as additional license rent as the local authority
may fix.

Every sum payable for an order under this section shall be paid in advance on the grant of such order, and afterwards annually on the first day of November in every year to the clerk to the licensing justices of the division in which the premises are situate.

A.D. 1871.

*Closing of
certificated
Premises.*

5 No person who holds an order under this section shall be liable to any penalty for not closing his premises on such days and during such time as may be specified in such order; but he shall not be exempt from any other penalty under this Act.

A notice in such form as may be prescribed by the local authority,
10 stating the days and hours during which the house is open under such order of exemption shall be affixed and kept affixed in a conspicuous position outside the house; and if the holder of the order of exemption make default in affixing or in keeping affixed such notice in manner aforesaid, during any part of the time for which his exemption is
15 granted, he shall be liable to pay a police penalty not exceeding five pounds, and also in the case of a second or any subsequent offence to forfeit his order of exemption.

Every person who keeps affixed to his premises any such notice when he does not hold an order under this section, shall be liable
20 to a police penalty not exceeding *ten pounds*.

Any local authority may at any time, if it seem fit to them, withdraw an order under this section or alter the same by way of extension or restriction as such authority may deem necessary or expedient, so however as not to render any person liable to any
25 penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

109. The Secretary of State, Court of Quarter Sessions, and Court of Lord Mayor and Aldermen, respectively mentioned in the first schedule to this Act in that behalf may from time to time make
30 rules, and may from time to time revoke and alter such rules with respect to the grant and duration of orders of exemption from closing any certificated premises, and the conditions on which such orders may be granted.

Rules as to
exemptions
from closing.

110. Where the licensing justices in general annual licensing
35 sessions assembled, after not less than seven days notice has been given of the intention to propose a resolution under this section, resolve that it is expedient that the hour at which premises for the sale of intoxicating liquors in any licensing district or districts within their division, specified in such resolution, are required to be
40 closed at night, should be one hour earlier than that specified by this Act, or that such premises should be closed during the whole of Sunday, the proposal contained in such resolution if approved by

Extension of
time for
closing by
justices with
approval of
ratepayers.

A.D. 1871. the ratepayers of the district or districts to which it applies, shall have effect in such district or districts as if it were enacted in this Act:

*Closing of
certificated
Premises.*

Provided that—

- (1.) Such proposal shall not affect the exceptions in this Act in favour of lodgers and travellers or railway travellers: 5
- (2.) Such proposal shall not affect any order of exemption, whether occasional or other, granted by a local authority, and every local authority shall have the same power of granting an order of exemption, occasional or other, from the obligation to close certificated premises during the 10 hours specified in such proposal as they have from the hours specified in this Act.

The justices shall cause notice of such proposal to be published in the district to which it applies by advertisement and by affixing the same at a public place in the neighbourhood. 15

The proposal contained in such resolution shall, if no demand is made within fourteen days after the first publication of such notice for taking a poll of the ratepayers upon it, be deemed to be approved by the ratepayers.

A poll of the ratepayers shall be taken upon the like demand and in the like manner as a poll of the ratepayers with reference to the issue of new publicans' certificates, and where the proposal relates to more than one district shall be taken as if all the districts to which it applies were one district, and the provisions of this Act with reference thereto shall apply accordingly, but no question shall be submitted to the ratepayers except the approval or disapproval of the proposal of the justices. 25

A proposal of the justices approved by the ratepayers under this section shall be final, but may be rescinded or varied by another proposal made by the justices and approved by the ratepayers in the same manner as is provided by this section in the case of the original proposal. 30

Closing of
certain
refreshment
houses.

111. All premises to which a refreshment house limited wine license is attached shall be closed during the whole time after *ten* o'clock at night, and in any place or on any day in or at which any other premises to which any certificate under this Act is attached, close at *nine* o'clock at night, then during the whole time after *nine* o'clock at night. 35

Measures.

Salu to be
by standard
measure.

112. Every person shall sell all intoxicating liquor which is sold by retail and not in cask or bottle, or in a quantity less than half a pint, in measures marked according to the imperial standards. 40

Every person who acts or suffers any person under his control or in his employment to act in contravention of this section shall be deemed to act in contravention of the tenour of his certificate, and shall also be liable to forfeit the illegal measure in which the liquor was sold, and if he is not the holder of a certificate under this Act to pay a police penalty not exceeding *two pounds*.

Adulteration.

113. The following persons ; that is to say,

Adulteration
of intoxi-
cating liquor.

- 10 (1.) Every person who mixes or causes to be mixed with any
intoxicating liquor sold or exposed for sale by him any
deleterious ingredient, that is to say, any of the ingredients
specified in the seventh schedule to this Act, or added
to such schedule by any Order in Council made under
this Act, and any ingredient which may be proved to be
15 deleterious to health ; and
- (2.) Every person who sells or keeps or exposes for sale any
intoxicating liquor so mixed with any deleterious ingredient
as aforesaid (herein-after referred to as adulterated liquor),
shall be liable in the discretion of the court for the first offence to a
20 police penalty not exceeding *twenty pounds*, or to imprisonment for
a term not exceeding *one month*, with or without hard labour,
and for the second and every subsequent offence to a police penalty
not exceeding *one hundred pounds*, or to imprisonment for a term
not exceeding *three months*, with or without hard labour, and to
25 be declared to be a disqualified person for a period not less than
two years nor exceeding *ten years*, and in the case of the first
or any other offence shall forfeit all adulterated liquor in his
possession with the vessels containing the same.

Where such person is the holder of or manager under any certi-
30 ficate under this Act he shall also, in the case of a second or any
other offence, be liable to forfeit such certificate, and the premises to
which such certificate is attached shall be liable to be declared to
be disqualified premises for a period of not less than *two years*.

Where a person is convicted of any offence under this section he
35 shall affix at such part or parts of his premises as may be pre-
scribed by an inspector under this Act a placard stating his con-
viction of such size and form and printed with such letters and
containing such particulars as an inspector under this Act may
prescribe, and shall keep the same affixed during two weeks after
40 the same is first affixed, and if he fails to comply with the pro-
visions of this section with respect to affixing or keeping affixed
such placard or defaces or allows such placard to be defaced, or if

A.D. 1871. the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding *two pounds* for every day on which the same is not so affixed and undefaced.

*Adultera-
tion.*

Alteration of
7th schedule
as to dele-
terious
ingredients.

114. It shall be lawful for Her Majesty by Order in Council from time to time to add to the seventh schedule to this Act any ingre- 5
dient which appears to Her Majesty in Council to be deleterious
to health, and to remove any ingredient from the said schedule,
and to revoke or alter any order previously made.

Every such order shall be published in the London Gazette, and shall take effect from the date of such publication or any later date 10
mentioned in the order, and shall have effect as if it were enacted
in this Act.

Every such order shall be laid before both Houses of Parliament within three weeks after it is made, or if Parliament be not then sitting, within three weeks after the commencement of the then next 15
session of Parliament.

Possession of
adulterated
liquor or
deleterious
ingredients.

115. Every person who being the holder of or manager under any certificate under this Act has in his possession or in any part of the premises to which such certificate is attached any adulterated liquor or deleterious ingredient within the meaning of the foregoing 20
provisions of this Act, shall, unless in the case of the liquor he
proves to the court that he did not know that such liquor was
adulterated, and in the case of the deleterious ingredient he accounts
for the possession thereof to the satisfaction of the court, be deemed
to have exposed for sale adulterated liquor in such premises. 25

Analysis of
intoxicating
liquor by
officer.

116. Any of the following officers, that is to say, any inspector under this Act, and any officer of excise may procure samples of any intoxicating liquor from any person selling or keeping or exposing the same for sale (in this section referred to as the vendor); he may procure such samples either by purchasing the same, or by 30
requiring the vendor to show him and allow him to inspect all or
any of the vessels in which any intoxicating liquor in the possession
of such vendor is stored, and the place of the storage thereof,
and to give him samples of such intoxicating liquor on payment or
tender of the value of such samples. 35

If any vendor or his agent or servant when required in pursuance of this section, fails or refuses to admit the officer or to show all or any of the vessels in which intoxicating liquor is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such 40
light or assistance as he may require, he shall be liable to the same
penalty, forfeiture, and disqualification as if he kept adulterated
liquor for sale.

A.D. 1871.

*Adultera-
tion.*

When the officer has by either of the means aforesaid procured samples of intoxicating liquor, he may declare in writing to the vendor that he is about to analyse the same, or cause the same to be analysed in manner provided by this Act, and it shall be lawful
 5 for him to analyse the same or cause the same to be analysed, at any convenient place at such reasonable time as the commissioners may appoint, and if it appear to the officer or other person so analysing that the said samples of intoxicating liquor are adulterated liquor within the meaning of this Act, such officer or other person
 10 may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Act.

Any expenses incurred in analysing any intoxicating liquor of a vendor in pursuance of this section shall, if such vendor be con-
 15 victed of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured
 20 the sample.

Drunkards.

117. Every person found drunk in any public place, that is to say, in any highway, square, park, public place or building, or any pre-
 mises to which a certificate under this Act is attached, or any place of
 25 public resort, whether a building or not, and whether open or inclosed, shall be liable to a police penalty not exceeding *twenty shillings*.

Every person who in any public place as before defined in this section is guilty while drunk of riotous or indecent behaviour, or is drunk when in charge of any horse, cattle, or steam engine, or when
 30 in possession of fire-arms or of any drawn or open bayonet, sword, dagger, sheath-knife, or other dangerous weapon, shall be liable to a police penalty not exceeding *two pounds*, or in the discretion of the court to imprisonment with or without hard labour for any time not exceeding *one month*, and to forfeit such fire-arms,
 35 bayonet, sword, dagger, knife, or weapon.

Where the court commits any person to prison for nonpayment of any penalty under this section, the court may order him to be imprisoned with hard labour.

118. Any holder of or manager under a certificate under this
 40 Act may refuse to admit to and may turn out of the premises to which such certificate is attached any person who is drunken, violent, quarrelsome, indecent, or disorderly, and any person the presence of whom in his premises would subject him to a penalty under this Act.

Power of
holder of
certificate to
exclude
drunkards
and others.

A.D. 1871. Every person who upon being requested in pursuance of this section by such holder or manager, or his agent or servant, or any constable in pursuance of this section to quit such premises refuses or fails so to do, shall be liable to a police penalty not exceeding *five pounds*, and all constables are required on the demand of such holder, manager, agent, or servant to assist in expelling every such person from such premises, and may use force for that purpose without being responsible for the consequences of such force. 5

Drunkards.

Where the court commits any person to prison for nonpayment of any penalty under this section, the court may order him to be imprisoned with hard labour. 10

Drunken
conduct of
publican.

119. Every holder of and manager under a certificate under this Act, who is guilty in the premises to which such certificate is attached of drunkenness, or violent, quarrelsome, indecent, or disorderly conduct, shall be liable to a police penalty not exceeding *two pounds*, or at the discretion of the court to imprisonment with or without hard labour for a term not exceeding *one month*. 15

Amount of Penalty and repeated Convictions.

Minimum
penalty.

120. A police penalty imposed under the provisions of this Act shall not in any case be less than a *tenth* part of the maximum penalty which might be imposed in such case. 20

Offence not
to be
reckoned
after five
years as a
first offence.

121. No conviction for any offence under the provisions of this Act for which a police penalty is inflicted shall after five years from the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty for a second or any subsequent offence. 25

Disqualifica-
tion and for-
feiture of
certificate
in the case
of repeated
convictions.

122. Where a certificate has been endorsed as provided in this Act with convictions for offences under the provisions of this Act for which police penalties have been or might have been imposed amounting in the aggregate, if such convictions have been within three consecutive years, to *sixty-five pounds*, or if, within five consecutive years to *one hundred pounds*, such certificate shall, whether such convictions have been obtained against the same or against different persons, or in respect of the same or different premises, be upon the last of such convictions forfeited, and for the purposes of this section a new certificate issued to the holder of a determined certificate in respect of his priority on account of such determined certificate shall be deemed to be the same as the determined certificate. 30 35

Where convictions under this Act have been recorded as provided in this Act against any premises, upon which convictions police penalties have been or might have been imposed, amounting in the 40

aggregate, if such convictions have been within three consecutive years, to *sixty-five pounds*, or if, within five consecutive years, to one hundred pounds, such premises shall, whether such convictions have been obtained against the same or different persons or with
 5 respect to the same or different certificates, be disqualified for a period of *two years* from the date of the last of such convictions.

A.D. 1871.

*Repeated
Convictions.*

Where convictions under this Act have been recorded as provided by this Act against a person who is a holder of or manager under a certificate under this Act, whether in respect of the same or different
 10 premises or of the same or different certificates, for which offences police penalties have been or might have been imposed amounting in the aggregate, if such convictions have been within three consecutive years, to *sixty-five pounds*, or if within five consecutive years to one hundred pounds, such person shall be a disqualified
 15 person for the purposes of this Act for a period of *five years* from the date of the last of such convictions.

Provided that—

(1.) Where less than one half of the maximum penalty has been imposed *one half* only of such penalty shall be taken in
 20 reckoning the aggregate of penalties for the purpose of this section.

(2.) For the purposes of this section where any person has been sentenced to imprisonment instead of to a penalty he shall be deemed to have been sentenced to pay the full penalty
 25 which might have been imposed, and the conviction shall be recorded accordingly.

Inspection.

123. For the purpose of securing the execution of this Act and the observance of the provisions of this Act, for the breach of which
 30 police penalties are imposed, there shall be established a force of public-house inspectors for England.

Establish-
ment of
public-house
inspectors.

Such force shall consist of such number of inspectors and superior officers who in the Act are included under the term inspector, as a Secretary of State with the consent of the Treasury may from time
 35 to time direct, and shall receive such salaries and superannuation allowance as the Treasury may from time to time allow.

The force of public-house inspectors shall be under the direction of a Secretary of State, who may from time to time appoint and remove them, and assign them their duties, and assign any of them
 40 to any particular portion of England, and may from time to time make, and when made revoke, alter, and add to regulations for the government and guidance of such force.

A.D. 1871. *The salaries and expenses of the force of public-house inspectors shall be paid out of moneys provided by Parliament, but shall be charged in account against the sums received for license rent in manner provided by this Act.*

Authority
of public-
house in-
spectors.

124. Every public-house inspector shall make a declaration as a constable before a justice of the peace, and shall have for the purposes of the execution of his duties all the powers and privileges throughout every part of England, which any constable duly appointed has within his constablewick.

Obstruction
of inspectors.

125. Every person who wilfully obstructs any inspector in the execution of this Act, shall be liable to a police penalty not exceeding *five pounds*, and every holder of and manager under a certificate who refuses or fails to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act shall be deemed to have acted in contravention of the conditions on which his certificate was granted.

Reports by
public-house
inspectors.

126. A Secretary of State may direct some officer of the force of public-house inspectors to lay before the licensing justices at every general annual licensing sessions in every licensing division in the county, and at such other times as he may direct, a report or reports in writing by one or more of the public-house inspectors who act in such licensing division as to the character and management of all premises within such division to which certificates under this Act are attached, and in particular of all premises to which publicans' or special certificates are attached, and shall cause one or more of such inspectors to attend at every licensing sessions of every licensing division.

A Secretary of State shall cause a report or reports from the chief officer or officers of the force of public-house inspectors to be annually made to him, and shall cause such report or reports to be laid before both Houses of Parliament.

Relations
between
public-house
inspectors
and police.

127. The establishment of the force of public-house inspectors shall not be deemed to relieve the police establishment of any county or borough from any duty which would otherwise be performed by them. And a Secretary of State may from time to time make, and when made revoke, alter, and add to regulations respecting the assistance and information to be given by the various police establishments in counties and boroughs to the public-house inspectors in the execution of their duties; and a Secretary of State may, if such regulations are not observed by any police establishment, refuse his certificate with respect to the efficiency of the force.

128. The following rules shall have effect with regard to the entry into premises where any intoxicating liquor is sold or exposed or kept for sale; that is to say,

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*Inspection.*Entry into
premises
licensed and
unlicensed.

5 (1.) Any constable may at all times enter on any premises to which a certificate under this Act is attached, and examine every room and part of such premises, and take an account of all intoxicating liquor stored therein:

10 (2.) Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale by retail at any place within his jurisdiction whether a building or not, in which such liquor is not authorised to be sold, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable

15 named in such warrant, at any time or times within one month from the date thereof, to enter and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquors therein, and seize and remove any intoxicating

20 liquor found therein, with the vessels containing the same, which liquor there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place.

Every person who, by himself, or by any person in his employ or

25 acting by his direction or with his consent, refuses or fails to admit any constable demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person, or having admitted such constable refuses or fails to allow him to take an account of any intoxicating liquor found therein, or

30 to furnish him with such light or assistance as he may require, shall be liable to a police penalty not exceeding *five pounds* for the first offence, and *ten pounds* for the second and every subsequent offence.

Legal Proceedings.

35 129. Every offence under this Act punishable by a police penalty, and every police penalty and all money and costs by this Act directed to be recovered as a police penalty, and every forfeiture under the provisions of this Act other than those relating to excise regulations (which offences, penalties, money, costs, and forfeitures

40 are in this Act referred to as police offences, police penalties, and police forfeitures) may be prosecuted, recovered, and enforced in manner provided by the Summary Jurisdiction Act, 1848.

Summary
proceedings
for police
offences,
penalties,
&c.

A.D. 1871. Summary orders under the provisions of this Act which do not
 Legal relate to excise regulations (which orders are in this Act referred to
 Proceedings. as police summary orders) may be made and enforced on complaint
 before a court of summary jurisdiction in manner provided by the
 Summary Jurisdiction Act, 1848. 5

With respect to all informations and complaints relative to police offences, penalties, forfeitures, and summary orders under this Act, the following provisions shall have effect :

- (1.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted 10 in some one of the following manners ; that is to say, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed 15 for the administration of justice ; that is to say, the lord mayor or any alderman of the city of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be 20 done by more than one justice of the peace :
- (2.) The description of any offence under this Act in the words of such Act, or as near thereto as circumstances admit, shall be sufficient in law :
- (3.) Any exception, exemption, proviso, excuse, or qualification, 25 whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the 30 part of the informant, complainant, or prosecutor :
- (4.) A previous conviction need not be set out or specified in any information or complaint :
- (5.) Any person who neglects or refuses to comply with a summary order may be directed by such order to be imprisoned 35 for a period not exceeding *three months* :
- (6.) All police forfeitures shall be sold or otherwise disposed of in such manner as the court may direct, and the proceeds of such sale or disposal (if any) shall be applied in the like manner as police penalties, but the court may direct 40 that such proceeds may be applied in the first instance in paying the expenses of and incidental to any search and seizure which resulted in such forfeiture :

(7.) Police penalties and forfeitures shall not for the purpose of any Act respecting the application of such penalties, or the costs, charges, and expenses attending proceedings for recovery of such penalties or of forfeitures, be deemed to be penalties or forfeitures under any Act relating to the Inland Revenue :

A.D. 1871.

Legal
Proceedings.

(8.) One moiety of all police penalties imposed under the provisions relating to the closing of premises on Sunday, Good Friday, Christmas Day, or public fast or thanksgiving days shall be paid to the superannuation fund of the police establishment within whose jurisdiction such premises are situate :

(9.) Police penalties recovered in the metropolitan police district shall be applied in manner directed by the Acts relating to the metropolitan police.

130. If any person feels aggrieved by any order or conviction made by a court of summary jurisdiction either against him or some other person on determining any complaint or information under this Act relative to any police offence, penalty, forfeiture, or summary order, or by the dismissal of any such complaint or information made or laid by him, the person so aggrieved may appeal therefrom, subject to the conditions and regulations following :

Appeal to
quarter
sessions.

(1.) The appeal shall be made to the next court of quarter sessions held not less than fifteen days after the date of such order or conviction for the county or borough where the order or conviction is made.

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give to the other party or to the court a notice in writing of his intention to appeal, and of the ground thereof :

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow :

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the

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*Legal
Proceedings.*

decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Exclusion of
certiorari.

131. No conviction or order made in pursuance of this Act, either originally or on appeal, relative to any police offence, penalty, forfeiture, or summary order, shall be quashed for want of form or be removed by certiorari or otherwise, either at the instance of the Crown or of any private party into any superior court. Moreover, no warrant of commitment in any such matter shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

Liabilities
of aiders and
abettors.

132. Every person who aids or abets the commission of any police offence under this Act shall be deemed to be guilty of such offence whether the principal is or is not convicted or in custody.

Record of
convictions.

133. With respect to the record of convictions of holders and managers for police offences under this Act committed by them as such, the following provisions shall have effect; that is to say,

- (1.) The court before whom any seller of intoxicating liquor is accused of any police offence under this Act committed by him as such, shall require such seller to produce and deliver to the clerk of the court the certificate and any license under which such seller carries on business: 25
- (2.) If such seller is convicted, the court shall cause the short particulars of such conviction and the penalty imposed, and the maximum penalty which might have been imposed, to be endorsed on such certificate before it is returned to the offender: 30
- (3.) The clerk to the licensing justices shall enter the particulars respecting such conviction or such of them as the case may require in the registers of certificates, premises, and holders and managers kept by him under this Act: 35
- (4.) If the clerk to the court be not the clerk to the licensing justices, he shall send forthwith to the last-mentioned clerk notice of such conviction and of the particulars thereof, and if any copies of the registers are kept by him shall enter such particulars in such of the said copies as the case may require: 40

(5.) Where the conviction of any such seller has the effect of forfeiting the certificate or of disqualifying any person or premises for the purposes of this Act, the certificate shall be retained by the clerk of the court, and notice of such forfeiture and disqualification shall be sent to the licensing officer of the district, and if the clerk to the court is not the clerk to the licensing justices to such last-mentioned clerk, together with the forfeited certificate.

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Legal
Proceedings.

(6.) Where at the expiration of any period of ten years a new certificate is issued to the holder of any determined certificate in respect of his priority on account of such determined certificate, all convictions which within the preceding five years had been endorsed on such determined certificate shall be endorsed on such new certificate by the clerk to the licensing justices before the issue thereof.

134. The registers of certificates, premises, holders, and managers kept in pursuance of this Act shall be receivable in evidence of the matters required by this Act to be entered therein. Every endorsement upon a certificate and every copy of an entry made in the registers of certificates, premises, or holders and managers in pursuance of this Act purporting to be signed by the clerk to the licensing justices, and in the case of a copy to be certified to be a true copy, shall be evidence of the matters stated in such endorsement and entry without proof of the signature or authority of the person signing the same.

Evidence of
endorse-
ments and
register.

135. Any justice having jurisdiction in any place where any police offence under this Act is alleged to have been committed may direct any public-house inspector or other constable to take proceedings for punishing the offender.

Power of
justices to
direct pro-
secution of
offences.

All costs incurred in pursuance of this section not paid as the costs of ordinary prosecutions are paid shall be paid as part of the costs of the public-house inspectors.

III.—PROVISIONS RELATING TO THE INLAND REVENUE.

136. After the commencement of this Act there shall be charged and paid for the use of Her Majesty, her heirs and successors, as duties of excise, in respect of excise licenses to be taken out yearly under this Act, the sums in that behalf specified in the second schedule to this Act, and all Acts for the time being in force in relation to excise duties, licenses, penalties, and forfeitures shall apply to the excise duties, licenses, penalties, and forfeitures under this Act as if such Acts were incorporated in this Act.

Grant of
excise
duties.

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*Inland
Revenue.*Provisions
regarding
excise
licenses.

137. The following provisions shall have effect with regard to excise licenses under this Act :

- (1.) They shall be granted to every holder of the corresponding certificate (if any is required) who makes a written application for the same, and produces the corresponding certificate, and pays the proper duty, and makes entry in the manner required by law of the premises and utensils used for storing, keeping, or selling intoxicating liquors : 5
- (2.) They shall be in such form, be granted by such officers, and be authenticated in such manner as the commissioners may from time to time direct : 10
- (3.) They shall contain the following particulars :
 - (a.) The name of the licensee, and of the manager of the business, if any :
 - (b.) A description of the premises for which the license is available : 15
 - (c.) A description of the business authorised by the license :
 - (d.) The date of the grant and of the termination of the license : 20
- (4.) They shall be dated the day on which they are granted, and shall terminate on the *twentieth* day of *October* :
- (5.) When any change takes place by removal, transfer, or otherwise which is required to be endorsed on the certificate, or an interim order is granted, the endorsed certificate or order must, after the alteration or grant of the order, be produced to the licensing officer, who shall endorse the license in accordance with the alteration in the certificate or order, and such license shall thereupon be available for the premises or person mentioned in the endorsement : 25 30
- (6.) In the case of an interim order granted in case of an appeal or of the provisional continuance or postponement of the expiration of any certificate, the holder of such order or certificate shall pay such portion of the annual duty as the commissioners may from time to time direct. 35

Refusal of
licenses in
certain cases.

138. With respect to the refusal of the commissioners to grant licenses, the following provisions shall have effect ; that is to say,

- (1.) They shall refuse to grant a spirit dealer's retail license to a person who does not hold a spirit dealer's wholesale license :
- (2.) They shall refuse to grant a beer dealer's retail license to a person who does not hold a strong beer dealer's wholesale license :

(3.) They may, if they think fit, refuse to grant any license which A.D. 1871.
authorises the sale of spirits in respect of any premises—

(a.) Which communicate through any private grounds,
or otherwise than by a public carriage road, with any
premises used by any distiller of spirits, or by any
rectifier or compounder of spirits who keeps a still; or

(b.) Which (if the applicant is a distiller, rectifier, or
compounder of spirits) are situate within two miles of
the place at which the applicant carries on the business
of a distiller, rectifier, or compounder.

*Inland
Revenue.*

139. Every person holding any license under this Act shall by
himself, his manager, agent, or servant produce such license within
a reasonable time after the production thereof is demanded by any
justice of the peace, constable, or officer of excise, and deliver the
same to be read and examined by him.

Licensed
persons, &c.
to produce
their licenses.

Any person acting in contravention of this section shall, in
addition to any other penalty, pay for every offence an excise penalty
of *twenty pounds*.

140. If any person licensed under this Act receives into or keeps
or has in his possession in any entered cellar, room, or place any
description of intoxicating liquor which he is not authorised to sell,
he shall, in addition to any other penalty, pay for every offence an
excise penalty of *twenty pounds*, and all such intoxicating liquor
found on the entered premises shall with the vessels and packages
containing the same be forfeited.

Possession
by licensees
in entered
premises of
unauthorised
intoxicating
liquors.

141. The commissioners shall cause lists of the licenses granted
under this Act to be kept by their licensing officers, and such lists
shall at all reasonable hours be produced for the inspection and
perusal of any justice of the peace, public-house inspector, or person
authorised in writing by a justice of the peace, and copies of or
extracts from such lists shall when required be given to the clerks
of the licensing justices of the divisions to which, or any part of
which, the lists refer.

Lists of li-
censes to be
kept.

142. Every person who sells by retail any intoxicating liquor
without having in force a proper license in that behalf, shall, in
addition to any other penalty, pay for every offence an excise penalty
of *fifty pounds*.

Penalty for
selling with-
out a license.

143. The following persons; that is to say,

(1.) Every holder of a publican's certificate under this Act who
does not hold a spirit dealer's license, and sells; sends out,
or delivers spirits to any rectifier or compounder of spirits,

Publican not
being dealer
not to sell to
the trade,
23 & 24 Vict.
c. 114. s. 168.

[104.]

I

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Revenue.

or to any person licensed to sell spirits by wholesale or retail; and

- (2.) Every person licensed to sell spirits by wholesale or retail who buys spirits from any holder of a publican's certificate who does not hold a spirit dealer's license shall, for every offence, pay an excise penalty of *fifty pounds*.

Licenses
may be taken
out by new
beginner for
propor-
tionate part
of a year.

6 G. 4. c. 81.
ss. 17, 18.

144. Where any person begins any business for which a license under this Act is required at any time after the expiration of the first quarter of the current year, the commissioners may grant him such license on payment of a proportionate part of the duty payable for the said license under this Act; that is to say,

- (a.) If the license be taken out in the quarter ending the *twentieth* day of *April*, on payment of *three fourths* of the duty :
- (b.) If such license be taken out in the quarter ending the *twentieth* day of *July*, on payment of *one half* the duty :
- (c.) If such license be taken out in the quarter ending the *twentieth* day of *October*, on payment of *one quarter* of the said duty; but no person shall be deemed to begin a business within the meaning of this section who has within two years previously taken out a license for such business, whether on the same or different premises.

See 6 G. 4.
c. 81. ss. 17,
18.

Licenses
to put over
their pre-
mises their
names and
trades.

145. Every person required to hold a license under this Act shall cause to be and shall keep painted or fixed on his entered premises, in some conspicuous place to be approved by the commissioners, and in such form and manner as they may from time to time direct, the name (or the name of the firm or partnership carrying on his business, where the business is carried on by more than one person), with the addition after the name of the word "licensed," and of words sufficient, in the opinion of the commissioners, to express the business for which a license has been granted, and in particular, words expressing whether the license authorises the sale of intoxicating liquor to be consumed on or off the premises or only off the premises or only on the premises, as the case may be.

No person shall have any words or letters on his premises importing that he carries on or is licensed to carry on any trade in intoxicating liquor which he is not in fact duly licensed to carry on.

If any person makes default in complying with, or acts in contravention of the provisions of this section, he shall, in addition to any other penalty, pay for every such offence an excise penalty of *twenty pounds*.

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(IV.)—SUPPLEMENTAL PROVISIONS.

*Voting
Regulations.**Voting Regulations.*

Persons entitled to vote in case of vote by ratepayers.

146. Where under the provisions of this Act any vote of ratepayers is authorised to be taken or any demand or application is authorised to be made or other thing done by any ratepayer or ratepayers, the vote shall be taken of such persons, and such demand and application may be made by such persons, and the said thing done by such persons as hereafter mentioned; that is to say,

- (1.) In the city of London and the liberties thereof, exclusive of Southwark, the persons whose names are on the list or register for the time being in force of persons entitled to vote for common councilmen :
- (2.) In the parishes and places for the time being within the jurisdiction of the Metropolitan Board of Works, and not in the city of London, the persons for the time being entitled to vote for vestrymen, and in any place where there is no vestry the persons who are liable in such place to the local rate :
- (3.) In a borough the persons whose names are on the burgess roll for the time being in force :
- (4.) In any parish not situate in any of the above areas the persons whose names are on the rate book for the time being in force in such parish :
- (5.) In a licensing district comprising part only of any of the above-mentioned areas, such of the above-mentioned persons as hold their qualification in such part.

147. In a parish situate outside of the city of London, and within the jurisdiction of the Metropolitan Board of Works, the rate book in force at the time of the poll for the parish or for such part of the parish as is comprised in any licensing district shall be evidence (except where a list is made under this section) of the persons entitled to vote at a poll for the purposes of this Act, and no person whose name is not in such rate book shall be entitled to vote at such poll, and the overseers and rate collector of any parish shall, when required by a returning officer, produce such rate book and allow copies thereof or any part thereof to be taken, and attend at the poll for the purpose of assisting such returning officer.

Registers of voters for polls under this Act.

The licensing justices may at any time, if they think it necessary for the more convenient taking of polls of ratepayers under this Act, appoint any person to make a list of all persons for the time being entitled to vote at any poll of ratepayers held in a licensing district

A.D. 1871. in pursuance of this Act, and may award to him such compensation
 ——— for his services out of the local rate as they think just; and the
Voting person so appointed may inspect and take copies of any list, register,
Regulations. burgess roll, or rate book for the purposes of this Act.

Any overseer, rate collector, town clerk, or person having the 5
 custody or control of any list, register, burgess roll, or rate book,
 who fails to comply with the provisions of this section, shall be liable
 to a police penalty not exceeding *twenty pounds*.

Penalty for
 making in-
 correct
 return.

148. If any returning officer, clerk, or other person engaged
 in any poll under this Act wilfully makes or causes to be made an 10
 incorrect return of the votes given at such election, every such
 offender shall, upon summary conviction, be liable to a police
 penalty not exceeding *fifty pounds*.

False answer
 and penalty
 on persona-
 tion of voter.

149. If any person at any poll under this Act answers falsely any
 question put to him in voting in pursuance of any regulation made 15
 under the third schedule to this Act, or falsely assumes to act or
 vote in the name or on the behalf of any person entitled to vote, he
 shall be liable for every such offence to a police penalty not exceeding
twenty pounds.

Penalty for
 forging or
 falsifying
 any voting
 paper or
 obstructing
 the poll.

150. If any person at any poll under this Act forge or in any 20
 way falsify any name or writing in any paper purporting to contain
 the vote or votes of any person voting in any such poll, or by any
 contrivance attempt to obstruct or prevent the purposes of any such
 poll, or wilfully contravene any regulation in or made under the
 third schedule to this Act with respect to such poll, the person so 25
 offending shall be liable to a police penalty of not more than *fifty*
pounds.

Corrupt
 practices.

151. Any person who at any poll under this Act is guilty of
 corrupt practices shall for each offence be liable to a police penalty
 not exceeding two pounds, and be disqualified for the term of six 30
 years after such poll from exercising any franchise at any poll
 under this Act, or at any municipal or parliamentary election, or
 holding any municipal office, and the vote of any bribed person
 shall be void.

The term corrupt practices in this section includes all bribery, 35
 treating, and undue influence which under the law for the time
 being in force with respect to the election of a member to serve in
 Parliament renders the election of such member void.

Imprison-
 ment with
 hard labour
 for improper
 practices at
 poll.

Where the court order any person to be imprisoned for the non-
 payment of any penalty under the provisions of this Act with respect 40
 to voting regulations such imprisonment may be with hard labour.

A.D. 1871.

*Canteens.**Canteens.*

Licenses of
canteens,
33 & 34 Vict.
c. 7. s. 93.

152. Where any person is authorised by a Secretary of State to hold a canteen and to sell therein any intoxicating liquor or any intoxicating liquor other than spirits, such person shall be deemed for the purposes of obtaining a license to hold a publican's general
5 or limited certificate according as he is authorised to sell any intoxicating liquor or any intoxicating liquor other than spirits, but shall not be subject to any of the police provisions of this Act.

Wine and Spirit Dealers.

153. The holder of any wholesale excise license which authorises
10 the sale of wine by retail as well as by wholesale, shall be deemed to hold a certificate under this Act attached to the premises in respect of which such wholesale license is granted, and authorising the sale of wine for consumption off the premises only, and shall be subject accordingly to the police and supplemental provisions of
15 this Act.

Application
of Act to
retailers
under whole-
sale wine
licenses.

Provided that if such holder serve on the licensing justices a notice in writing signed by him, and undertaking not to sell wine by retail under the said wholesale license, such holder shall not by reason of such wholesale license be deemed to hold any certificate
20 under this Act, or be subject to any of the said provisions of this Act except those relating to the sale by retail of intoxicating liquor by persons not having a certificate, but he shall be subject to those last-mentioned provisions, and shall not be authorised to sell wine by retail.

25 A notice under this section shall be in force during the continuance of the wholesale license of the person who gave such notice, but may at any time be withdrawn by such person by writing under his hand served on the licensing justices.

154. The holder of a spirit dealer's retail license shall be deemed
30 for the purposes of this Act to hold a certificate under this Act authorising him to retail spirits for consumption off the premises only, and shall be subject accordingly to the police and supplemental provisions of this Act.

Application
of Act to
holder of
spirit dealer's
retail
license:

155. The clerk to the licensing justices of every district shall enter
35 in the registers kept in pursuance of this Act all wine and spirit licenses in the district to which the provisions of this Act apply and the names of the holders thereof; and all convictions shall be indorsed on such licenses as if they were certificates.

Registration
of and en-
dorsement on
wine and
spirit retail
licenses.

A.D. 1871.

*Miscellaneous.*Application
of Act to
vessels.*Vessels.*

156. The provisions of this Act shall extend to all water adjoining any place to which this Act extends, and apply to every vessel passing through any such water which is not duly licensed under any other Act for the sale of intoxicating liquor, and to every vessel lying 5 moored or being in any such water and not passing through the same whether such vessel is so licensed or not. Subject to this qualification that nothing in this section shall prevent the sale of intoxicating liquor to any person being on board any vessel as passenger previously to the actual starting of such vessel on her 10 voyage, or after the actual arrival of the vessel at her destination.

*Miscellaneous.*Disqualifica-
tion of jus-
tices.

157. No justice shall act for any purpose under this Act who is or is in partnership with or holds any share in any company which is a common brewer, distiller, maker of malt for sale, or retailer of 15 malt or of any intoxicating liquor; or in respect of any premises in the profits of which such justice is interested, or of which he is wholly or partly the owner, lessee, or occupier, or for the owner, lessee, or occupier of which he is manager or agent, or in respect of any premises being in whole or part the property of any common 20 brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, to whom such justice is either by blood or by marriage, the father, son, or brother, or of whom such justice is the partner in any other trade or calling.

Any justice hereby declared not to be qualified to act under this 25 Act who knowingly acts as a justice for any of the purposes of this Act, shall for every such offence be liable to a penalty not exceeding one hundred pounds :

Provided that—

- (1.) No justice shall be disqualified under this section to act in 30 respect of any premises by reason of his having vested in him a legal interest only, and not a beneficial interest, in such premises or the profits thereof :
- (2.) No justice shall be liable to a penalty for more than one offence committed by him under this section before the 35 institution of any proceedings for the recovery of such penalty :
- (3.) No act done by any justice disqualified by this section shall by reason only of such disqualification be invalid.

Extension
of jurisdic-
tion of jus-
tices.

158. For all the purposes of this Act any pier, quay, jetty, mole, 40 or work extending from any place within the jurisdiction of any

licensing justices or court of summary jurisdiction into or over any part of the sea, or any part of a river within the ebb and flow of the tide, and every vessel in any water adjoining any place within such jurisdiction shall be deemed to be within the jurisdiction of
 5 such justices and court.

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Miscellaneous.

For the purpose of jurisdiction in any proceeding under this Act, any sea, river, or water which runs between or abuts on or forms the boundary of two or more licensing divisions, or the jurisdiction of two or more courts of summary jurisdiction, shall be deemed to
 10 be wholly within each such licensing division and the jurisdiction of each of such courts.

159. Any court of summary jurisdiction against whose decision an appeal under this Act is made to quarter sessions, may direct their clerk or any public-house inspector to appear and oppose such
 15 appeal.

Appearance of justices to defend appeal.

All costs incurred in pursuance of this section not paid as the costs of an appellant are ordinarily paid shall be paid as part of the costs of the justices which gave such direction, or of the public-house inspector.

160. In proving a sale of intoxicating liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place; and proof of consumption of intoxicating
 25 liquor on premises to which a certificate under this Act is attached by some person other than the occupier of or a servant in such premises, or of carrying away intoxicating liquor from any such premises, shall be evidence that such liquor was sold to the person consuming or carrying away the same by or on behalf of the holder
 30 of such certificate or his manager.

Evidence.

If any intoxicating liquor be unlawfully sold on any premises by any person unknown or not duly certificated or licensed in that behalf, the occupier of the premises, or, if the premises are occupied by more than one person, each occupier thereof, shall, unless he
 35 shows that he was not privy or consenting to the sale, be deemed to be the seller of such liquor, and shall be subject to the penalties imposed upon persons selling intoxicating liquors without a certificate or license under this Act.

161. In any of the following cases, namely, where—

40 (1.) The holder of any publican's certificate under this Act at the time of applying for the continuance of his certificate; or

Six-day certificates and licenses.

A.D. 1871.

Miscellaneous.

(2.) The allottee of a publican's certificate under this Act at the time of his applying for the issue of the certificate,

applies to the licensing justices to insert in his certificate a condition that he shall keep the premises to which such certificate is or is to be attached closed during the whole of Sunday, the justices shall insert the said condition in such certificate. 5

There shall be allowed to the holders of any publican's certificate in which such condition is inserted (hereafter referred to as a six-day certificate) a deduction from the license rent, if any, payable by him of one seventh part of the amount of such license rent. 10

The holder of a six-day certificate shall keep his premises closed during the whole of Sunday, and the provisions of this Act, with respect to the closing of certificated premises during certain hours on Sunday shall apply to the premises to which a six-day certificate is attached as if the whole of Sunday were mentioned in those provisions instead of certain hours only. 15

The holder of a six-day certificate may obtain a license corresponding thereto upon payment of six seventh parts of the duty which would otherwise be payable by him for a similar license not limited to six days, and if he sell any intoxicating liquor on Sunday he shall be deemed to be selling intoxicating liquor without a license. 20

Where the holder of such a certificate applies to the licensing justices at any general annual licensing sessions to cancel the condition in such certificate as to keeping his premises closed on Sunday, the justices shall cancel such condition. 25

The notice which a holder of a license is required to place outside his premises shall, in the case of a license under this section, contain words indicating that such license is for six days only.

Debt for
intoxicating
liquors consumed on
or off the
premises.
24 Geo. 2.
c. 40.
25 & 26 Vict.
c. 38.
30 & 31 Vict.
c. 142. s. 4.

162. No action or proceeding shall be brought or maintained against any person in respect of any intoxicating liquor sold or supplied to or for such person to be consumed by him or any other person on the premises where the same is sold or supplied or (in the case of less than one quart of spirits) to be consumed off such premises, or in respect of any debt incurred or security given for any intoxicating liquor so sold or supplied, or in respect of any loan or advance made to any person for, in, or towards the obtaining of any intoxicating liquor to be consumed as aforesaid. 30 35

If any seller of intoxicating liquor take any pledge or deposit in respect of intoxicating liquor sold or supplied, or to be sold or supplied as aforesaid, he shall be liable to a police penalty not exceeding forty shillings, and the court before whom he is convicted may further by summary order direct the pledge or deposit 40

to be returned, or the value thereof to be paid to the person who has given the same. A.D. 1871.

Miscellaneous.

163. Persons carrying on the same trade in partnership in one set of premises shall not be required in respect of such trade and premises to take out separate certificates or licenses under this Act, but one certificate shall not be granted in the names of more than four persons. Partners.

164. The gross value of any premises, district, or place for the purposes of this Act shall, if such premises, district, or place are comprised in any valuation list or lists for the time being in force under "The Valuation (Metropolis) Act, 1869," be the gross value and rateable value as stated in such list or lists, and in the case of any other premises, district, or place shall be the gross estimated rental as stated in the valuation list or lists (if any) of the parish or parishes for the time being in force, and if there is none, as stated in the rate book or books for the time being in force in the parish or parishes. Mode of
ascertaining
gross rate-
able value.

165. The population of any town, district, or place for the purposes of this Act shall be estimated by the licensing justices in accordance with the last published census for the time being and with the estimated increase or decrease of population since such last census, and the estimate of such justices shall be final. Ascertaining
of popula-
tion.

166. Where any notice is directed by this Act to be published by advertisement in any locality, such notice shall be published by advertisement in some newspaper or newspapers circulating in such locality, and unless otherwise expressly provided shall be published, if it relates to a future event, not less than eight days before the event to which such notice relates. Publication
of notices.

Where any notice is required by this Act to be published in any locality by affixing the same at a public place in the neighbourhood, a copy of such notice shall be affixed during not less than twelve hours in the day on Sunday at every place in such locality at which notices are usually affixed, and at such other conspicuous places, if any, as the justices may direct, and, save as otherwise expressly provided, shall, if it relates to a future event, be so affixed during two Sundays next preceding the event to which such notice relates.

167. All notices and documents required by this Act to be served or sent by the holders of any certificate or license under this Act, or to be served on or sent to the licensing justices or excise officer or public-house inspector by any person may, unless otherwise expressly provided, be served and sent by post, and until the

Notices may
be served by
post.

- A.D. 1871. *Miscellaneous.* contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed 5 and put into the post.
- Service on rating authority. **168.** Any precept may be served on the rating authority for the purposes of this Act by serving the same on the treasurer of the authority.
- Construction of Acts as to billeting soldiers, &c. **169.** For the purposes of any Acts relating to the billeting of 10 soldiers, marines, or militia, words in such Acts referring to victuallers or innkeepers or alehouse keepers shall be construed to mean persons holding any certificates and licenses under this Act for the sale of any intoxicating liquor to be drunk on the premises, or either on or off the premises. 15
- Saving of covenants. **170.** Every covenant or clause of restriction in any lease or agreement between landlord and tenant made before the commencement of this Act, whereby the business of a victualler, vintner, publican, or alehouse or beerhouse keeper is prohibited from being carried on in any premises or place, shall be construed to include a prohibition 20 of any business requiring a publican's certificate of either description or a special certificate under this Act, but shall not be construed to include the prohibition of any business requiring any other certificate.
- Construction of reference to headings and schedules. **171.** Where any section in this Act refers to the provisions of 25 this Act relating to any particular matter, such section shall be deemed to refer to all the sections of this Act which are arranged under the heading which corresponds to the description of the matter contained in the section referring thereto.
- The schedules to this Act, and the notes annexed to such 30 schedules, shall be of the same force as if they were enacted in the body of this Act.
- Restriction on future vesting of interests. **172.** The holder of any new certificate or license to be granted in pursuance of this Act shall not have any right to compensation in case of any restrictions hereafter imposed by Parliament on the con- 35 tinuance of certificates or licenses, or on the conditions on which they may be continued or held.
- Abolition of Privileges.*
- Abolition of privileges of granting licenses. **173.** After the commencement of this Act no person shall be authorised by reason of any privilege, or under any authority granted 40

by any corporation or body of persons, to sell any intoxicating liquor by wholesale or retail, unless he is authorised so to do by a certificate and license under this Act, or an excise license under some other Act.

A.D. 1871.
*Abolition of
Privileges.*

5 Provided that—

(1.) Every person who on the first day of April one thousand eight hundred and seventy-one, in pursuance of any such authority granted by any corporation or body of persons as aforesaid, was engaged in the sale of intoxicating liquor
10 shall be entitled to continue to sell the same until the expiration of such authority, or until the *first day of April one thousand eight hundred and seventy-two*, whichever first happen :

(2.) Every freeman of the company of the Masters, Warden, and
15 Commonalty of Vintners of the city of London who, on the first day of April one thousand eight hundred and seventy-one, exercised his privilege as a vintner, shall be entitled for a period of *ten years* after the commencement of this Act to continue to exercise that privilege, and shall,
20 for the purposes of the sale of wine, be deemed, on giving notice in writing to the clerk of the licensing justices and the licensing officer for the district, to be the holder of a publican's limited certificate and limited license for the sale of wine, and shall be subject to the police, inland revenue,
25 and supplemental provisions of this Act accordingly ; and on the expiration of such *ten years* shall be entitled to the like priority, as other holders of publican's limited certificates in the distribution of new certificates.

*Any corporation or company who may suffer any pecuniary injury
30 in consequence of the provisions of this section may submit to the commissioners a claim for compensation for such injury, and the commissioners, with the approval of the Commissioners of Her Majesty's Treasury, may grant such compensation and pay the same as part of the costs of the collection of the revenue.*

*In case any difference arises with respect to the amount of such
35 compensation the same may be determined in manner provided by The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, in the same manner as a compensation for land taken otherwise than by agreement.*

*Where the profits for which compensation is payable are appli-
40 cable to any charity the compensation payable under this section shall be paid to the trustees or other persons administering such charity, and their receipt shall be a good discharge for the same.*

A.D. 1871.

*Holders of
existing
Licenses.*

Certificates
to holders of
existing
licenses.

Holders of existing Licenses.

174. With respect to the application of this Act to persons who at the commencement of this Act hold licenses for the sale by retail of intoxicating liquors attached to any premises (in this Act referred to as existing licenses), the following provisions shall have effect; 5 that is to say,

- (1.) Where a person on the first day of April one thousand eight hundred and seventy-one held a license to sell spirits by retail for consumption on the premises, and on the first day of October one thousand eight hundred and seventy- 10 one, the licensing justices in their discretion have or would, if this Act had not passed, have renewed such licenses, such persons shall be entitled to a publican's general certificate, if he so elect, at the first general annual licensing sessions held after the commencement of 15 this Act, but otherwise to a publican's limited certificate attached to the same premises :
- (2.) Every person who on the first day of April one thousand eight hundred and seventy-one held a license authorising him to sell beer by retail for consumption on the premises, 20 and on the first day of October, the licensing justices in their discretion have or would, if this Act had not passed, have renewed the certificate on which such license was granted, shall be entitled to a publican's limited certificate 25 attached to the same premises :
- (3.) Every person entitled to a certificate under this section shall pay in advance, every year, a license rent of two per cent. on the annual gross value of his premises, so however that no license rent be less than *one pound* nor more than *six pounds* : 30
- (4.) Where a holder of any such license has, before the commencement of this Act, been convicted of any offence against the tenor of his license, such conviction shall have the same effect, so far as regards the forfeiture of the certificate and disqualification of person and premises, as if 35 he had been convicted under this Act of having acted against the tenor of his certificate.
- (5.) A person whose license or certificate the licensing justices have refused to renew as aforesaid, shall have the same right of appeal as if this Act had not passed, and if suc- 40 cessful in such appeal shall be entitled to a certificate under this Act notwithstanding that such appeal is not

determined until after the first day of October one thousand eight hundred and seventy-one : A.D. 1871.

*Holders of
existing
Licenses.*

(6.) Where a person entitled to a certificate under this section attaches such certificate to the premises to which his license was before the commencement of this Act attached, he must satisfy the licensing justices that his premises are not disqualified premises, but need not otherwise obtain approval of such premises; and such premises shall not be deemed to be disqualified premises on the ground only that they are not of the annual gross value required by this Act if they are of the annual value required by the Acts in force before the commencement of this Act :

(7.) The provisions of this Act with respect to a manager shall apply in the case of certificates issued in pursuance of this section.

175. Where the holder of a certificate granted to a holder of an existing license and attached to any premises omits with intent to injure any person who is interested in such premises, or in breach of any contract with such person to apply for or to do any act necessary for obtaining the continuance of such certificate, or refuses to transfer such certificate upon quitting such premises, such last-mentioned person if he is in possession of the premises, may within a period not exceeding two months after the last day of the general annual licensing sessions, or if he is not in possession within such further period not exceeding six months as the licensing justices may allow for the purpose of enabling him to obtain possession of the premises, apply to the licensing justices for a continuance of such certificate and for the transfer thereof to him.

*Continuance
of certificate
at request
of owner of
house.*

Where a person applies to the licensing justices under this section and satisfies them—

(1.) That he has published in the manner in which the notice of an application for the issue of a certificate is required to be published a notice of his intention to make the application, specifying his interest in the premises and the other matters required to be contained in such last-mentioned notice :

(2.) That he is not a disqualified person :

(3.) That he is interested in and in possession of the premises to which the certificate is attached :

(4.) That the holder of the certificate has failed to obtain the continuance of such certificate with intent to injure the applicant, or in breach of a contract with the applicant,

A.D. 1871.

or has quitted the premises and refuses to transfer the certificate, and also satisfies them of all the other matters of which the applicant for the continuance of the certificate is required to satisfy the justices, except such matters as cannot by reason of the default of such holder be complied with,

such licensing justices may, if they think fit, continue the certificate and cause the name of the applicant to be entered in or endorsed on the certificate in lieu of that of the former holder.

Where an applicant under this section specifies in his notice of application the name, residence, and occupation during the preceding six months of any nominee to whom he desires to have such certificate transferred, and satisfies the licensing justices that such nominee is not a disqualified person, the licensing justices may, if they think fit, cause the name of such nominee instead of that of the applicant to be entered in or endorsed on the certificate so continued.

Caveat
against re-
moval or
transfer of
certificate.

176. Where in the case of any certificate granted to the holder of an existing license, any person has a right to prevent the removal or transfer of such certificate without his consent, such person may lodge a caveat with the clerk of the licensing justices of the licensing district for which the certificate was granted.

Such caveat shall contain a description of the certificate and of the premises to which the same is attached, and the name of the person holding the same, and the name of the person lodging the caveat, and the ground on which he claims to be entitled to prevent the removal or transfer of such certificate without his consent, and the address to which a notice under this section is to be sent to the person lodging such caveat.

A note of the lodging or withdrawal of any caveat shall be entered by the clerk to the licensing justices in the register of certificates kept by him.

Where a caveat has been lodged for more than fourteen days before an application is made to remove or transfer any certificate to which this section applies and has not been withdrawn, the licensing justices shall not authorise the removal or transfer of the certificate to which the caveat refers, unless the applicant for such removal or transfer satisfies them that notice in writing of the intention of the applicant to apply for such removal or transfer at the time and place at which such application is made has been sent to the person and at the address specified in the caveat not less than ten days previously to such application.

A caveat may be withdrawn by notice in writing under the hand of the person lodging the same, and shall not in any case have any operation after the last day of the general annual licensing sessions held next after the same is lodged.

A.D. 1871.

*Holders of
existing
Licenses.*

- 5 Where a caveat not authorised by this section is lodged, or a caveat which ought to be withdrawn is not withdrawn, the person lodging or failing to withdraw the same shall be liable to pay to the holder of the certificate all costs as between solicitor and client incurred by such holder in consequence of the same being so lodged.
- 10 The holder of a certificate may apply to the county court within the jurisdiction of which the premises to which the certificate is attached are situate to discharge a caveat not authorised by this section, or which ought to be and has not been withdrawn, and such court shall have jurisdiction to discharge the same and to make such
- 15 other order in the matter as to such discharge or costs or otherwise as to the court seems just.

Savings.

177. Nothing in this Act shall affect—

- (1.) The sale of spruce or black beer :
- 20 (2.) The sale of any intoxicating liquor on board any packet boat in pursuance of a license in that behalf when such boat is passing through and not moored or lying in any water to which this Act extends :
- (3.) The sale of medicine containing spirits by medical practi-
- 25 tioners or chemists and druggists to sick or infirm persons :
- (4.) The sale by wholesale of cyder by the owner thereof for consumption off the premises.

Saving of
certain
rights.
See 2 & 3
Vict. c. 44.
s. 5. as to
metropolitan
police dis-
trict.

SCHEDULES.

FIRST SCHEDULE.

Licensing Division.	Licensing Justices.	Clerk to the Licensing Justices.	Licensing Districts.	Local Rate.	Rating Authority.	Local Authority.
The City of London and liberties thereof, exclusive of Southwark.	The court of the Mayor and Aldermen of the city of London in the Inner Chamber.	The town clerk -	The wards -	The consolidated rate	The commissioners of sewers.	The commissioner of police of the city, acting in accordance with the rules, if any, made by the court of the Mayor and Aldermen of the city in the Inner Chamber.
Any borough having a separate commission of the peace, and not being a Cinque Port or ancient town.	The justices of the peace of the borough.	The clerk to the justices of the borough.	If divided into wards, the wards, and if not so divided, the whole division.	The borough fund or borough rate.	The Mayor, Aldermen, and Burgesses acting by the council.	Two justices of the peace acting in and for the division and acting in accordance with the rules, if any, made, in the case of a borough having a separate court of quarter sessions, by a Secretary of State, and in the case of any other borough by the quarter sessions of the county.
Each of the principal Cinque Ports, and two ancient towns, and the liberties thereof, not corporate.	The justices of the peace of and for each of the principal Cinque Ports and ancient towns as they have been accustomed.	The officer performing the duty of clerk to the justices.	If divided into wards, the wards, and if not so divided, the whole division.	The rate in the nature of a county rate of each cinque port or ancient town.	The Mayor and jurors	Two justices of the peace acting in and for the division, and acting in accordance with the rules, if any, made by a Secretary of State.
Each of the corporate members immediately belonging to such principal Cinque Port or ancient town.	The justices of the peace of and for such corporate member, together with (where those qualified to act are insufficient in number) the justices in and for the Cinque Port or ancient town to which it immediately belongs or is subordinate.	The officer performing the duty of clerk to the justices.	If divided into wards, the wards, and if not so divided, the whole division.	The rate in the nature of a county rate of each corporate member.	The Mayor and jurors	Two justices of the peace acting in and for the division, and acting in accordance with the rules, if any, made by a Secretary of State.
Every special sessional division of a county, exclusive of such part of any such division as is included in any of the above-mentioned divisions.	The justices of the peace of the county acting in and for the special sessional division.	The clerk to the justices of the special sessional division.	As regards places situate within the area which is subject to the jurisdiction of the Metropolitan Board of Works under the Metropolitan Management Act, 1855, the parishes mentioned in schedule A., the districts mentioned in schedule B., and the places mentioned in schedule C. to that Act. As regards places outside the said area any town as defined by this Act and any parish not situate in a town, and in the case of a parish situate partly within and partly without a town the part of the parish situate without the town.	In a liberty with a separate court of quarter sessions the rate in the nature of a county rate, and elsewhere the county rate.	In a liberty having a court of quarter sessions, that court, and in any other part of a county, the court of quarter sessions for the county.	In a place situated within the metropolitan police district, the commissioner of police for the metropolitan police acting under the direction of a Secretary of State. In any other place two justices of the peace acting in accordance with the rules (if any) made by the court of quarter sessions within the jurisdiction of which such place is situate.

NOTE.—In any county or in any liberty having a separate commission of the peace in which there is no special sessional division, the whole of such county or liberty shall be a licensing division.

Where any liberty has a separate commission of the peace the justices for such liberty, and not the justices for the county at large, shall be deemed to be the licensing justices.

Where in any special sessional division there is more than one clerk of the justices of such division, such of the said clerks as the justices may appoint shall be the clerk of the licensing justices, or if they think fit, they may appoint any one clerk of the justices to act only for one or more of the licensing districts in their division, and each clerk so appointed shall be the clerk to the licensing justices so far as regards the districts for which he is appointed to act.

The term "parish" means a place in which a separate poor rate is or can be made.

SECOND SCHEDULE.

PART I.

PUBLICANS' CERTIFICATES AND LICENSES.

For Consumption on or off the Premises.

5	Description of Certificate.	Description of License.	What the License authorises.	Duty payable.			
10	Publican's general certificate.	Publican's general license.	Sale by wholesale and retail at the premises specified in the license, to be consumed either on or off the premises, of any intoxicating liquor.	If the annual gross value of the premises do not exceed ten pounds - £ 5 0 Exceed ten pounds and do not exceed twenty pounds - 8 0 Exceed twenty pounds and do not exceed thirty pounds - 11 0 Exceed thirty pounds and do not exceed forty pounds - 14 0 Exceed forty pounds 17 0			
25	Publican's limited certificate.	Publican's limited—	Sale by retail, at the premises specified in the license, to be consumed either on or off the premises, of sweets and—	If the annual gross value of the Premises			
30		„ beer license -	Beer and cyder (without wine) - - - -	Do not exceed 10l.	Exceed 10l. and do not exceed 20l.	Exceed 20l. and do not exceed 40l.	Exceed 40l.
		„ wine license -	Wine (without beer) -	£ 3	£ 4	£ 5	£ 6
		„ beer and wine license.	Beer and cyder, with wine	£ 2	£ 3	£ 4	£ 5
				4	6	8	10

PART II.

SPECIAL CERTIFICATES AND LICENSES.

For Consumption on the Premises only.

Description of Certificate.	Description of License.	What the License authorises.	Duty payable.	5
Inn certificate	Inn license	Retail at the premises specified in the license, to be consumed only on those premises, of any intoxicating liquor to persons taking meals in the premises, travellers, and lodgers.	<i>The same as for a publican's general license.</i>	10
Eating house certificate.	Eating house	Retail at the premises specified in the license, to be consumed only on those premises, to persons taking meals in those premises, of sweets and—		15
	„ beer license.	Beer and cider (without wine)	<i>The same as for publicans' limited licenses.</i>	20
	„ wine license.	Wine (without beer)		25
	„ beer and wine license.	Beer, cider, and wine		
Refreshment house wine certificate	Refreshment house wine license.	Retail at the premises specified in the license, of wine and sweets, to be consumed only on those premises to persons taking meals on those premises.	£ s. d. If the gross annual value of the premises do not exceed fifty pounds 3 3 0	30
			Exceed fifty pounds 5 5 0	
	Refreshment house limited wine license.	Retail at the premises specified in the license, which are not kept open between the hours of ten at night and five of the following morning, and in respect of which a refreshment house license has been taken out, of wine and sweets to be consumed only on those premises to persons taking meals on those premises.	If the gross annual value of the premises do not exceed thirty pounds 2 15 8	35
			Exceed thirty pounds and do not exceed fifty pounds 3 0 0	
			Exceed fifty pounds 4 4 0	40
				45

	Description of Certificate.	Description of License.	What the License authorises.	Duty payable.
5	Railway refreshment room certificate.	Railway refreshment room license.	Retail at the premises specified in the license, to railway travellers only, of any intoxicating liquor to be consumed only on those premises, unless sold in bottles of less than a reputed pint, when the same may be consumed off the premises.	At a station where there are three separate refreshment rooms, bars, or places for three different classes of passengers; £17. At a station where there are two separate refreshment rooms, bars, or places for different classes of passengers; £12. At stations where only one refreshment room, bar, or place; £6.
10				
15				
	Theatre certificate	Theatre license	Retail at the premises specified in the license, of any intoxicating liquor, to be consumed only on those premises.	<i>The same as for a publican's general license.</i>
20				

PART III.

BEERSHOP CERTIFICATES AND LICENSES.

For Consumption off the Premises.

	Description of Certificate.	Description of License.	What the License authorises.	Duty payable.
25	Beershop certificate	Beershop license	Retail, at the premises specified in the license, to be consumed only off the premises, of beer and cider,	If the annual gross value do not exceed £20 - 1 1 Exceed £20 - 2 2

PART IV.

CLOSED VESSEL RETAIL CERTIFICATES AND LICENSES.

For Consumption off the Premises.

Description of Certificate.	Description of License.	What the License authorises.	Duty payable.	5
No certificate required.	Spirit dealer's retail license.	Retail at the premises specified in the license, to be consumed only off those premises, of British and foreign spirits in quantities of not less than one reputed quart bottle, or as to any foreign liqueur in the bottles in which the same is imported, and sending out any spirits without a certificate if the quantity do not exceed one gallon, and such spirits are not sent to a dealer or retailer of spirits.	£3 3s. 0d.	10
Beer dealer's retail certificate.	Beer dealer's retail license.	Retail at the premises specified in the license, to be consumed only off those premises, of beer in bottles, casks, or closed vessels only.	£1 2s. 0d.	20
Wine retail certificate	Wine retail license.	Retail at the premises specified in the license, to be consumed only off those premises, of wine, in closed vessels, being reputed quart or pint bottles only.	If the annual gross value of the premises do not exceed fifty pounds, £2 2s. 0d.	25
			Exceed fifty pounds, £3 3s. 0d.	30
Sweets retail certificate.	Sweets retail license.	Retail at the premises specified in the license, to be consumed only off those premises, of sweets, in closed vessels.	£1 1s.	

THIRD SCHEDULE.

REGULATIONS AS TO POLLS OF RATEPAYERS.

(1.) A demand shall be made by an application in writing under the hands of the applicants, sent to the licensing justices, and shall
5 be deemed to have been made when the same is sent.

(2.) The poll shall be taken at such time and in such manner and in accordance with such regulations as a Secretary of State may from time to time prescribe, and the Secretary of State may by such regulations direct the appointment of any officers requisite for
10 the purpose of taking such poll and the doing of all other necessary things preliminary or incidental to such poll.

(3.) The poll shall be taken by ballot, but otherwise in like manner as any other poll of ratepayers is or is authorised to be taken in the area for which the poll is taken, and each ratepayer
15 shall have one vote only.

(4.) At the close of the poll the returning officer shall sum up the votes given for every number of new certificates voted for, or for or against the justices proposal as to closing, and shall, as soon as may be, declare the results, and certify the same to the licensing
20 justices.

(5.) A vote for any particular number of certificates shall be reckoned not only as a vote for such number, but also as including a vote for each lower particular number of certificates proposed by the justices; and the highest particular number of certificates, the
25 aggregate of votes given for which, as so found, is not less than three fifths of all the ratepayers voting, shall be deemed to be the number approved.

(6.) If, within two clear days from the declaration of the poll, any ratepayer demands a scrutiny, and finds security to the satisfaction of the returning officer (to be settled, in case of dispute, by
30 two justices,) for the reimbursement of the expenses attending the same, the licensing justices shall take or cause the same to be taken in such manner as may be from time to time prescribed by any regulations made by a Secretary of State, and the licensing justices
35 or other persons who make such scrutiny shall decide all questions arising upon such scrutiny.

(7.) The person demanding the scrutiny shall in any event pay the expenses attending the same.

(8.) A poll shall not be invalidated for any accidental or immaterial informality.
40

A.D. 1871.

FOURTH SCHEDULE.

REGULATIONS AS TO TENDERS FOR PUBLICANS CERTIFICATES.

1. Every tender shall be closed, and shall specify such particulars as the justices may by their notice of invitation of tenders require.
 2. The deposit shall be enclosed in or accompany the tender, and shall be made in such manner as the justices may direct in the said notice. 5
 3. The tender shall be delivered or sent to the clerk to the licensing justices so as to be received by him on or before the day fixed by the said notice, not being later than the day before the day appointed for considering the tenders. The clerk to the justices shall, where a person delivers a tender, upon the request of such person, give him a receipt for the same; and no part of a deposit shall be returned to any person to whom a receipt has so been given except in exchange for such receipt. 15
 4. The notice of invitation of tenders shall specify the number of certificates to be granted for the district, the day on which the licensing sessions will be held to consider the tenders, the minimum license rent, the amount of deposit, and the regulations as to tender fixed by the justices, the part of the licensing district (if any) in which the premises are not to be situate, and the matters required by this Act to be inserted, and such other matters as the justices think fit. 20
 5. Subject to the provisions in this Act, the licensing justices may make regulations with respect to the mode in which tenders are to be made, opened, and allotted. 25
 6. No regulations made by the justices shall impose any restrictions as to the persons who may tender.
-

FIFTH SCHEDULE.

A.D. 1871.

FORMS OF JUSTICES CERTIFICATES.

Publican's General Certificate.

In pursuance of the Intoxicating Liquors (Licensing) Act, 1871,
 5 we, the licensing justices at the general annual licensing meeting
 (or at an adjournment of a general annual licensing meeting, or, in
 special petty sessions for licensing) holden at on the
 day of , do hereby certify that *A.B.* of
 in the county of , and also *C.D.* his resident manager,
 10 upon the proper excise licenses being obtained is authorised to retail
 at the premises (*here state the description of the premises*), which
 premises are of the gross annual value of £ , ANY INTOXI-
 CATING LIQUORS, INCLUDING SPIRITS, TO BE CONSUMED EITHER ON
 OR OFF THOSE PREMISES, AND TO SELL THE SAME BY WHOLESALE.

15 Witness our hands this day of .

E.F.

G.H., two (or three, &c.) of
 the licensing justices for
 the licensing division of
 20 in which the
 above-named premises are
 situate.

I.K., clerk to the above
 justices.

25 *Publican's Limited Certificate.*

The like form, but instead of the words in capitals, insert,—
 any intoxicating liquors other than spirits, to be consumed either on
 or off those premises.

Special Certificates.

30 *The like form, but instead of the words in capitals, insert,—*
 [*for inn certificate*] any intoxicating liquors, including spirits, to
 be consumed only on those premises, to persons taking
 meals in the hotel, travellers, and lodgers,
 [*for eating-house certificate*] beer, cider, wine, and sweets, to be
 35 consumed only on those premises, to persons taking meals
 in the eating-house,
 [*for refreshment house wine certificate*] wine and sweets, to be
 consumed only on those premises, to persons taking
 meals in the premises,

- A.D. 1871. [for railway refreshment room certificate] any intoxicating liquors, including spirits, to railway travellers, to be consumed only on those premises,
[for theatre certificate] any intoxicating liquor, including spirits, to be consumed only on those premises. 5

Beershop Certificate.

The like form, but instead of the words in capitals, insert,—
beer, cider, and sweets, to be consumed only off those premises, *and omit* and also *C.D.* his resident manager.

Closed Bottle Retail Certificates.

10

The like form, but instead of the words in capitals, insert,—
[for beer certificate] beer and sweets to be consumed only off those premises, *or*
[for wine certificate] wine and sweets to be consumed only off those premises, *and omit* and also *C.D.* his resident manager. 15

Interim Order.

In case of Fire or Accident.

In pursuance of the Intoxicating Liquors (*Licensing*) Act, 1871, we [or I] do hereby order that *A.B.* of in
, being the holder of a certificate attached 20
to premises at , having satisfied us [or me] that such
premises have been destroyed by fire [or as the case may be], do
hereby order that he is authorised to carry on the business autho-
rised by the said certificate at the premises [here insert description
of premises] until the day of , unless this 25
order is sooner determined by a meeting of the licensing justices
in licensing sessions [*or of two justices in petty sessions].

* To be in-
serted where
granted by a
single justice.

In case of Transfer.

In pursuance of the Intoxicating Liquors (*Licensing*) Act, 1871, we [or I] being satisfied that *A.B.* of , and *C.D.* of 30
, consent to the transfer to *C.D.* of the
certificate held by *A.B.* and are desirous of handing over the business
carried on under such certificate to *C.D.* before there has been an
opportunity of applying at any licensing sessions for the transfer,
do hereby order that *C.D.*, on complying with the regulations with 35
respect to the licenses, is authorised to carry on the business autho-
rised by the said certificate until the next licensing sessions [*or
until two justices meet in petty sessions].

* To be in-
serted when or-
der made by a
single justice.

A.D. 1871.

In case of Appeal.

In pursuance of the Intoxicating Liquors (Licensing) Act, 1871,
 we [*or I*] do hereby order that *A.B.* of in the county
 of , having been the holder of a [publican's general*]
 5 certificate, which certificate [was forfeited by a conviction before
 at in the said county, and having appealed
 against such conviction*], is hereby authorised to retail† intoxi-
 cating liquors including spirits to be drunk either on or off the
 premises at the premises of [*insert same description of premises as*
 10 *in forfeited certificate*] until the day appointed for hearing such
 appeal.

* Alter ac-
 cording to cir-
 cumstances.

† Insert name
 as in forfeited
 certificate.

Witness our hands [*or my hand*] this day
 of .

E.F.

G.H., [licensing] justices for
 the county [*or borough*]
 of .

15

Order of Occasional Exemption.

In pursuance of the Intoxicating Liquors (Licensing) Act, 1871,
 20 we [*or I*] do hereby order that *A.B.* of , being
 the manager under a publican's * certificate attached to premises
 at shall be exempt from any penalty for * carrying
 on such business at [*insert description of premises*], upon the special
 occasion of during days [*or on*
 25 the day of between the hours of
 and].

* Alter ac-
 cording to cir-
 cumstances.

Order of Exemption from Closing.

In pursuance of the Intoxicating Liquors (Licensing) Act, 1871,
 we [*or I*] do hereby order that *A.B.* of , being the holder
 30 of a publican's certificate attached to premises at * in
 the immediate neighbourhood of the public market of
 shall be exempt from the provisions of the said Act with respect
 to the closing of the said premises on days in the
 week between the hours of and .

* Alter ac-
 cording to cir-
 cumstances.

A.D. 1871.

SIXTH SCHEDULE.

FEES OF CLERKS TO JUSTICES.

	<i>s.</i>	<i>d.</i>	
For every new publican's certificate - - - - -	10	0	
For any other new certificate, and for every annual con- tinuance of any certificate - - - - -	5	0	5
For every entry of a caveat - - - - -	5	0	
For any order of occasional exemption - - - - -	2	6	
For every interim order - - - - -	2	6	
For every endorsement of a transfer or removal, or of a new manager - - - - -	2	6	10
For copy of certificate, or new certificate where defaced	2	6	

SEVENTH SCHEDULE.

DELETERIOUS INGREDIENTS.

Cocculus indicus, opium, Indian hemp, strychnine, tobacco, 15
darnel seed, extract of logwood, salts of zinc or lead, alum, and
any extract or compound of any of the above ingredients.

Intoxicating Liquors (Licensing).

A

B I L L

For regulating the Sale of Intoxicating
Liquors.

*(Prepared and brought in by
Mr. Dodson, Mr. Secretary Bruce, Mr. Chancellor
of the Exchequer, and Mr. Winterbotham.)*

*Ordered, by The House of Commons, to be Printed,
4 April 1871.*

[Bill 104.]

Under 13 oz.

A
B I L L

TO

Restrict during a limited time the grant by Justices of the Peace of new Licenses and Certificates for the Sale of Intoxicating Liquors by Retail; and for other purposes. A.D. 1871.

WHEREAS under the Intoxicating Liquors (Licensing) Act, 1828, and The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870, justices of the peace grant licenses for and certificates authorising the grant of excise licenses for the sale of intoxicating liquors by retail : 9 G. 4. c. 61.
32 & 33 Vict.
c. 37.
33 & 34 Vict.
c. 29.

And whereas it is expedient to restrict the issue of new licenses and certificates until the Legislature has further dealt with the law relating to the sale by retail of intoxicating liquors :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the passing of this Act the justices at the general annual licensing meeting or any special sessions shall not grant, otherwise than by way of renewal, or in pursuance of the provisions of section fourteen of the Intoxicating Liquors (Licensing) Act, 1828, any new license under that Act, or any new certificate under The Wine and Beerhouse Act, 1869, and the Acts amending the same respectively, except in accordance with the provisions of this Act. Restriction
on grant of
new licenses.

If it appears to the justices that the refusal to grant any such new licence or certificate will cause great inconvenience to the locality, or to the public, or great injury to any person or body corporate, such justices may grant provisionally such licence or certificate, and shall forthwith send to a Secretary of State a report in writing of such provisional grant, specifying the circumstances on account of which such grant is made.

It shall be lawful for the Secretary of State to confirm such provisional grant, and upon such confirmation the licence or certificate

[Bill 234.]

A.D. 1871. shall be granted accordingly; but the said provisional grant, unless
— and until it is so confirmed, shall have no effect.

No person shall be authorized to appeal to general or quarter sessions against any act done by the justices in pursuance of this section. 5

Discretion of
justices as to
the refusal
to grant cer-
tificates
under
32 & 33 Vict.
c. 29.

2. Whereas under the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870, justices are prohibited in the case of any house or shop with respect to which a license for the sale by retail therein of beer, cider, or wine was in force on the first day of May one thousand eight hundred and sixty-nine, from refusing an application for a certificate in respect of such house, except upon the grounds therein mentioned, and doubts have arisen whether such prohibition extends to the case of an application for a certificate with respect to any such house or shop, if the license which was in force on the first day of May one thousand eight hundred and sixty-nine, or any certificate since granted in respect of the said house or shop, has by forfeiture, lapse of time, or otherwise ceased to be in force; and it is expedient to remove such doubts: It is therefore hereby declared, that in the case of any such application the justices may, in their discretion, refuse the application upon any ground upon which they might refuse the application, if made for a certificate with respect to any house or shop with respect to which a license was not in force on the first day of May one thousand eight hundred and sixty-nine. 10 15 20

Definitions.

3. In this Act,— 25

The term “Intoxicating Liquors (Licensing) Act, 1828,” means the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled “An Act to regulate the granting of licenses to keepers of inns, alehouses, and victual-ling-houses in England;” 30

The term “Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

Construction
of Act.

4. This Act, so far as it relates to licenses under The Intoxicating Liquors (Licensing) Act, 1828, shall be construed as one with that Act, and the Acts amending the same, and, so far as it relates to certificates, shall be construed as one with The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870. 35 40

Short title.

5. This Act may be cited as “The Intoxicating Liquors (Licenses Suspension) Act, 1871.” 40

Duration of
Act.

6. This Act shall continue in force until the *first day of September one thousand eight hundred and seventy-two*, and no longer.

Intoxicating Liquors Licenses Suspension.

A

BILL

To restrict during a limited time the grant by Justices of the Peace of new Licenses and Certificates for the Sale of Intoxicating Liquors by Retail ; and for other purposes.

(*Prepared and brought in by
Mr. Secretary Bruce and Mr. Winterbottom.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1871.*

[Bill 234.]

Under 1 c2.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION]

TO

Restrict during a limited time the grant by Justices of the Peace of new Licenses and Certificates for the Sale of Intoxicating Liquors by Retail ; and for other purposes. A.D. 1871.

WHEREAS under the Intoxicating Liquors (Licensing) Act, 1828, and The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870, justices of the peace grant licenses for and certificates authorising the grant of 5 excise licenses for the sale of intoxicating liquors by retail :

And whereas it is expedient to restrict the issue of new licenses and certificates until the Legislature has further dealt with the law relating to the sale by retail of intoxicating liquors :

Be it enacted by the Queen's most Excellent Majesty, by and 10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the passing of this Act the justices at the general annual licensing meeting or any special sessions shall not grant, otherwise 15 than by way of renewal, or in pursuance of the provisions of section fourteen of the Intoxicating Liquors (Licensing) Act, 1828, any new license under that Act, or any new certificate under The Wine and Beerhouse Act, 1869, and the Acts amending the same respectively, nor shall the justices in any general or quarter sessions 20 grant any new license for music or dancing under 25 Geo. 2. c. 36. to a house licensed for the sale of intoxicating liquors, except in accordance with the provisions of this Act.

Restriction
on grant of
new licenses.

If it appears to the justices that the refusal to grant any such new license or certificate will cause inconvenience to the locality, 25 or to the public, or injury to any person or body corporate, such justices may grant provisionally such license or certificate, and shall forthwith send to a Secretary of State a report in writing

[Bill 262.]

A

A.D. 1871. of such provisional grant, specifying the circumstances on account of which such grant is made.

It shall be lawful for the Secretary of State to confirm such provisional grant, and upon such confirmation the license or certificate shall be granted accordingly; but the said provisional grant, unless 5 and until it is so confirmed, shall have no effect.

No person shall be authorised to appeal to general or quarter sessions against any act done by the justices in pursuance of this section.

Where, on an application to a court of quarter sessions or one 10 of the superior courts of law at Westminster, with reference to the refusal of any justices before the passing of this Act to grant a license or certificate, it is decided (either before or after the passing of this Act) that such license or certificate ought to have been granted, such license or certificate shall, for the purposes of 15 this section, be deemed to have been granted at the date of such refusal.

Removals of
licenses.

2. The justices at the general annual licensing sessions may, at their discretion, remove a license or certificate from premises in their division, or in any adjoining division within the same county, 20 to any other eligible premises in their division, if in their opinion the removal is necessary in order to meet the wants of the neighbourhood to which the removal is to be made, and if no objection is made by the occupier of the premises from which the removal is to be made, or by any other person appearing to the justices to have 25 reasonable ground of objection to the removal; and they may, for the purposes of this section, require such proof and make such adjournments as they think fit.

If the justices refuse such application no appeal shall be allowed to the applicant, but in the event of the justices granting such 30 application any person, whether he has appeared or not before the justices to oppose such application, may, if he is interested in the premises from which the removal is to be made, appeal to quarter sessions in manner prescribed by "The Intoxicating Liquors Licensing Act, 1828." 35

The like notices shall be given of every intended application for a removal as are by "The Wine and Beerhouse Act, 1869," and "The Wine and Beerhouse Act Amendment Act, 1870," required in the case of an application for a new certificate under the said Acts for premises not previously licensed. 40

The said notices shall not later than one week or earlier than one month before the general annual licensing sessions be advertised

once in each of two successive weeks in some newspaper circulating in the division where the premises to which the removal is to be made are situated. When a removal is proposed to be made from one division to another notices shall also be given and advertised in
 5 like manner in the division and in respect of the premises from which the removal is to be made, stating the intention to apply for a removal and the place and time at which the application is to be made.

A.D. 1871.

For the purposes of this section the term "division" means a
 10 division or place within the meaning of "The Intoxicating Liquors (Licensing) Act, 1828."

3. Whereas under the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870, justices are prohibited in the case of any house or shop with respect to which a
 15 license for the sale by retail therein of beer, cider, or wine was in force on the first day of May one thousand eight hundred and sixty-nine, from refusing an application for a certificate in respect of such house, except upon the grounds therein mentioned, and doubts have arisen whether such prohibition extends to the case of an applica-
 20 tion for a certificate with respect to any such house or shop, if the license which was in force on the first day of May one thousand eight hundred and sixty-nine, or any certificate since granted in respect of the said house or shop, has by forfeiture, lapse of time, or otherwise ceased to be in force; and it is expedient to
 25 remove such doubts: It is therefore hereby declared, that in the case of any such application the justices may, in their discretion, refuse the application upon any ground upon which they might refuse the application, if made for a certificate with respect to any house or shop with respect to which a license was not in force on the
 30 first day of May one thousand eight hundred and sixty-nine.

Discretion of justices as to the refusal to grant certificates under 32 & 33 Vict. c. 29.

4. And whereas it is also expedient that no increase shall be made in the number of licenses for the sale of intoxicating liquors by retail in Ireland, pending the amendment of the general law regulating the grant or issue of such licenses: Be it therefore
 35 enacted, that from and after the passing of this Act no new license shall be granted for the sale of intoxicating liquors by retail, whether for consumption or non-consumption on the premises, to any person whomsoever in Ireland: Provided always, that the words "new license" shall not include any retail license granted
 40 by way of renewal or in exchange for any similar license existing at the passing of this Act: Provided also, that nothing in this Act contained shall be held to prohibit the transfer of retail licenses,

Retail licenses in Ireland.

A.D. 1871. so that the number thereof be not increased, or to limit or affect the power now vested by law in the recorder of any city or borough in Ireland, or in the chairman and justices of quarter sessions in Ireland, with respect to the granting or refusing applications for new retail licenses in case of the surrender or proposed surrender of any existing retail license; and that this Act shall not apply to refreshment rooms at railway stations, or hotels connected therewith, in Ireland.

If it appears that by reason of the foregoing provisions great inconvenience will result to any locality or to the public, or that great injury will be done or suffered to or by any person or body corporate, such retail license may, notwithstanding such provisions, be granted if application is made in that behalf in the manner in use prior to the passing of this Act, and, together with such application, a statement setting forth that such great inconvenience or injury is likely to arise, and sufficient grounds for such statement are proved, and the person or persons granting the same shall forthwith send to the Chief Secretary to the Lord Lieutenant of Ireland a report in writing of such grant, specifying the circumstances on account of which such grant is made, it shall be lawful for such Chief Secretary to confirm such grant, and upon such confirmation such license shall be in force and have effect accordingly: Provided always, that no such license shall be of any force or validity until the same is confirmed in manner aforesaid.

Definitions. 5. In this Act,—25
 The term “Intoxicating Liquors (Licensing) Act, 1828,” means the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled “An Act to regulate the granting of Licenses to keepers of Inns, Alehouses, and Victualling-houses in England;”30
 The term “Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

Construction of Act. 6. This Act, so far as it relates to licenses under The Intoxicating Liquors (Licensing) Act, 1828, shall be construed as one with that Act, and the Acts amending the same, and, so far as it relates to certificates, shall be construed as one with The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870.35

Short title. 7. This Act may be cited as “The Intoxicating Liquors (Licenses Suspension) Act, 1871.”40

Duration of Act. 8. This Act shall continue in force until the first day of September one thousand eight hundred and seventy-two, and no longer.

Intoxicating Liquors Licenses Suspension.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
CONSIDERATION]

To restrict during a limited time the
grant by Justices of the Peace of
new Licenses and Certificates for the
Sale of Intoxicating Liquors by
Retail ; and for other purposes.

(*Prepared and brought in by*
Mr. Secretary Bruce and Mr. Winterbottom.)

Ordered, by The House of Commons, to be Printed,
24 July 1871.

[Bill 262.]

Under 1 oz.

A
B I L L

TO

Suspend the Grant of new Licenses for the Sale of Intoxicating A.D. 1871.
Liquors. —

WHEREAS it is expedient that no increase shall be made in the number of licenses for the sale of intoxicating liquors by retail pending the amendment of the general Law regulating the grant of such licenses :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the *passing of this Act* no new license shall be granted for the sale of intoxicating liquors by retail to any person whomsoever : Provided always, that the words "new license" shall not include any retail license renewed to the holder thereof at the general annual licensing meeting next after the *passing of this Act* : Provided also, that nothing in this Act contained shall be held to prohibit the transfer of retail licenses so that the number thereof be not increased.

No new licenses for sale by retail of intoxicating liquors to be granted.

2. This Act shall be and remain in force until the first day of October one thousand eight hundred and seventy-two.

Continuance of Act.

3. This Act may be cited as "The License Suspension Act, 1871."

Short title.

Intoxicating Liquors (New Licenses).

A

B I L L

To suspend the Grant of new Licenses
for the Sale of Intoxicating Liquors.

*(Prepared and brought in by
Sir Robert Anstruther, Sir Harcourt Johnstone,
Mr. Morrison, Mr. Thomas Hughes,
Mr. Wentworth Beaumont, Mr. Samuelson,
Mr. Mundella, and Mr. Pease.)*

*Ordered, by The House of Commons, to be Printed,
22 May 1871.*

[Bill 157.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Suspend the Grant of new Licenses for the Sale of Intoxicating
Liquors. A.D. 1871.

WHEREAS it is expedient that no increase shall be made in the number of licenses for the sale of intoxicating liquors by retail pending the amendment of the general Law regulating the grant of such licenses :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the passing of this Act no new justices' license
10 shall be granted in England or Wales for authorising the sale of intoxicating liquors by retail to any person whomsoever : Provided always, that the words "new justices' license" shall not include any such license granted by way of renewal of a similar justices' license : Provided also, that nothing in this Act contained shall be
15 held to affect the provisions of the fourteenth section of the Act of the ninth year of George the Fourth, chapter sixty-one, or of the fourth section of the Wine and Beerhouse Act Amendment Act, 1870, with reference to cases of incapacity, death, change of occupancy, and other contingencies, or to prohibit the transfer of licenses so
20 that the number thereof be not increased.

No new licenses for sale by retail of intoxicating liquors to be granted.

The justices may, at their discretion, remove a justices' licence from any premises in their division with the consent of the owner and occupier to any other eligible premises in their divisions, if in their opinion the removal is necessary in order to meet the wants of
25 the neighbourhood to which the removal is to be made ; and they may, for the purposes of such removal, and for ascertaining the consent of the owner and occupier, require such proof and make such adjournments as they think fit.

The like notices shall be given of every intended application for a
30 removal as are by the seventh section of the Wine and Beerhouse

[Bill 219.]

A.D. 1871. Act, 1869, as amended by the Acts amending the same, required in the case of an application for a new certificate under the said Act for premises not previously licensed.

Interpreta- 2. For the purposes of this Act, the term “justices’ licence”
tion. means a license or certificate granted by justices under the pro- 5
visions of the said Act of the ninth year of George the Fourth, or
of the Wine and Beerhouse Act, 1869, as amended by the Acts
amending the same respectively.

The term “division” means a division or place within the
meaning of the said Act of the ninth year of George the 10
Fourth.

The term “justices” means the justices acting at a general annual
licensing meeting, or at an adjournment thereof.

Short title. 3. This Act may be cited as “The License Suspension Act,
1871.”

15

Continuance 4. This Act shall be and remain in force until the first day of
of Act. October one thousand eight hundred and seventy-two.

Intoxicating Liquors (New Licenses).

A

B I L L

[AS AMENDED IN COMMITTEE]

To suspend the Grant of new Licenses
for the Sale of Intoxicating Liquors.

*(Prepared and brought in by
Sir Robert Anstruther, Sir Harcourt Jolnstone,
Mr. Morrison, Mr. Thomas Hughes,
Mr. Wentworth Beaumont, Mr. Samuelson,
Mr. Mandella, and Mr. Pease.)*

*Ordered, by The House of Commons, to be Printed,
30 June 1871.*

[Bill 219.]

Under 1 oz.

A
B I L L

TO

Amend the Thirty-second Section of the Irish Church Act, A.D. 1871.
1869.

WHEREAS it is expedient to amend the thirty-second section 32 & 33 Vict.
of the Irish Church Act, 1869 : c. 42.

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. The Commissioners of Church Temporalities in Ireland may, Sale of tithe
at any time within three years after the passing of this Act, sell any rentcharge
rentcharge in lieu of tithes vested in them under this Act to the to owners
10 owner of the land charged therewith, in consideration of a sum of land.
equal to twenty times the amount of such rentcharge, less such
sum in the pound as such owner shall be ascertained by the Com-
missioners to have been on an average of five years preceding the
first day of January one thousand eight hundred and seventy-one,
15 entitled to deduct for poor rates from the tithe rentcharge payable
by him.

2. This Act shall be construed as part of the Irish Church Act, Construction
1869. of Act.

Irish Church Act (1869) Amendment.

A

B I L L

To amend the Thirty-second Section of
the Irish Church Act, 1869.

(Prepared and brought in by
Mr. Heron, Mr. Bagwell, and Mr. Pim.)

*Ordered, by The House of Commons, to be Printed,
12 July 1871.*

[Bill 244.]

Under 1 oz.

A

B I L L

TO

Amend certain Acts of Parliament by which boards of guar- A.D. 1871.
 dians in England and parochial boards in Scotland are
 empowered to remove to Ireland persons born in that
 country who may receive relief from the Poors Rate.

WHEREAS it is expedient that the power to remove to Ireland
 poor persons born in that country on the ground of not having
 acquired a settlement should be amended :

Be it enacted by the Queen's most Excellent Majesty, by and with
 5 the advice and consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the authority
 of the same, that—

1. From and after the *passing of this Act* it shall not be lawful
 for any justice or justices of the peace in England or Wales, nor
 10 for any sheriff or justices of the peace in Scotland, to remove or
 convey, or to order to be removed or conveyed, to Ireland any poor
 person from any parish, combination of parishes, or union in
 England, Wales, or Scotland, to which he or she may have become
 chargeable by reason of relief given to himself or herself, or to his
 15 wife or child, on the ground that such poor person was born in
 Ireland, and had not acquired a settlement in the parish, com-
 bination of parishes, or union in which the relief was given.

Poor persons
 not to be re-
 moved to
 Ireland only
 on account
 of having
 received
 parochial
 relief.

2. The words in this Act shall be construed in the manner pre-
 20 scribed by the Acts of the eighth and ninth Victoria, chapters
 eighty-three and one hundred and seventeen.

Construction
 of Act.

Irish Poor Removal.

A

B I L L

To amend certain Acts of Parliament by which boards of guardians in England and parochial boards in Scotland are empowered to remove to Ireland persons born in that country who may receive relief from the Pools Rate.

(*Prepared and brought in by*
Mr. Downing, Sir Hervey Bruce, Colonel Knox,
and Mr. Maguire.)

Ordered, by The House of Commons, to be Printed,
23 March 1871.

[Bill 87.]

Under 1 oz.

A

B I L L

INTITULED

An Act for the further protection of Purchasers against Crown Debts, and for amending the Laws relating to the office of the Registrar of Judgments and other offices of the Court of Chancery, Ireland. A.D. 1871.

[Note.—*The words, clauses, and schedule printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend the laws relating to the office of the Registrar of Judgments in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the passing of this Act, the several parts of the Acts set forth in the Schedule A. to this Act annexed, to the extent to which such parts of Acts are by such schedule expressed to be repealed, are hereby repealed, except as to anything done before the commencement of this Act, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken or begun under any of such parts of Acts before the passing of this Act.

Repeal of enactments set forth in Schedule A.

2. The Registrar of Judgments shall, from and after the passing of this Act, enter the particulars contained in every memorandum left with him for the registry or re-entry of any judgment, revival, decree, rule, order, *lis pendens*, or civil bill decree for poor rates, or for the registry or redocketing of any recognizance, crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, in such books or book as shall be appointed by any general order made, as by this Act is provided ; and such entry shall be a sufficient compliance with any direction contained in any Act of Parliament that the said registrar should enter such particulars in any book : Provided always, that unless

Registrar to enter particulars of memorandums in such books as shall be appointed by general orders made under this Act.

[Bill 167.]

A

A.D. 1871. and until such general order shall be made, the said Registrar of Judgments shall continue to enter such particulars in the several books now kept in his office respectively in the manner provided by the Acts of Parliament in that behalf enacted: Provided also, that all persons shall be at liberty to search all books to be kept 5 under the provisions of this Act *on payment of the same amount of stamp duty as is now payable for searching the books at present kept in the said office.*

Requisition for search.

3. From and after the passing of this Act, every person who shall require a search to be made in the office of the Registrar 10 of Judgments, and a certificate of such search to be given, shall deliver unto or leave with the said registrar a note or requisition, in the words or to the effect of such one of the Forms (Nos. 1 or 2 in the Schedule B. to this Act annexed) as shall suit such person, or of such other form as shall from time to time be ap- 15 pointed by any general order which shall be made, as by this Act is provided; *and every such requisition shall be liable, in lieu of any existing stamp duty, to the duty set forth in the Schedule C. to this Act annexed.*

Registrar to give certificate.

4. The said registrar shall, upon the delivery of such requisition, 20 with all due diligence cause such search to be made and give to the person making such requisition a certificate setting forth the result of such search, in the words or to the effect of the Form No. 5, in the Schedule B. to this Act annexed, or of such other form as shall from time to time be appointed by any general order which 25 shall be made, as by this Act is provided; and if the said registrar shall be guilty of any fraud, collusion, or wilful neglect in making out such certificate, whereby any person shall be aggrieved or damnified, such person so damnified, his heirs, executors, or administrators shall recover full damages against such registrar, with 30 full costs of suit.

Registrar liable in damages for fraud, &c.

Requisition for duplicate searches.

5. If any person shall require a duplicate of any search made and certificate given after the passing of this Act, such person shall deliver unto or leave with the said registrar a note or requisition in the words or to the effect of the Form No. 4, in Schedule B. to 35 this Act annexed, or of such other form as shall from time to time be appointed by any general order made as by this Act is provided; *and every such requisition shall be liable to the stamp duty set forth in Schedule C. to this Act annexed.*

Registrar to give duplicate.

6. The said registrar shall, upon the delivery of such requisition, 40 with all due diligence cause such duplicate to be made and given to the person requiring the same, with a certificate at the foot thereof,

or appended thereto, stating that the same is a duplicate of the search and certificate in such requisition mentioned. A.D. 1871.

7. Every such duplicate so certified as aforesaid shall have the same force and effect, and shall be accepted and received in the same manner and for the same purposes, as an original search and certificate to the same extent and in the same terms. Duplicate to have the force and effect of original.

The duties set forth in the Schedule C. to this Act annexed shall be impressed or affixed, denoted, and collected in like manner with the duties mentioned in the schedule annexed to the Act passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled, "An Act for the better Regulation of the Office of the Registrar of Judgments in Ireland," and shall be under the like care and management, and that the like rules, regulations, provisions, penalties, clauses, and matters contained in any Act shall be applicable thereto. CLAUSE A
Stamp duties to be impressed and managed as heretofore
13 & 14 Vict
c. 74. ss. 5, 6.

8. It shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer in Ireland, or for any three of them, from time to time to make such general orders as shall to them seem fit, in relation to the books wherein shall be entered, by the said registrar, the particulars contained in any memorandum left with him for the registry or re-entry of any judgment, revival, decree, rule, order, lis pendens, or civil bill decree for poor rates, or for the registry or re-docketing of any recognizance, crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office; and also in relation to the form of verbiage of all memorandums and requisitions authorised or directed by any Act of Parliament to be left with the said registrar, and to the material on which same shall be written or printed, and to the size of such material; and also by and with the consent of the Lords Commissioners of Her Majesty's Treasury for the time being to abolish or reduce the amount of stamp duty to be paid on any of the requisitions or matters set forth in Schedule C. to this Act annexed; and if it should be deemed proper with the like consent again from time to time to revive or increase any of the duties so reduced, but not beyond the respective amounts in the said schedule set forth; and generally in relation to the conduct of business in the office of the said registrar and the duties of the said registrar and the other officers in his office, and from time to time to annul, alter, or vary such general orders. Power for Lord Chancellor, Lord Chief Justice, Lord Chief Justice of Common Pleas, Lord Chief Baron, and Master of the Rolls to make General Orders to carry out the Act;

and with consent of Treasury to abolish and reduce stamp duties

A.D. 1871.

CLAUSE B.
11 & 12 Vict.
c. 120. s. 13.

Judgments
at the suit of
the Crown
more than
twenty years
old not to
affect pur-
chasers or
mortgagees
unless re-
docketed in
the office of
Registrar of
Judgments.

And whereas by an Act made and passed in the session of Parliament holden in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the transfer of landed property in Ireland," provision was made whereby no bonds or recognizances to the Crown which shall be more than twenty years old from the date thereof shall affect lands, tenements, or hereditaments, as to purchasers or mortgagees or creditors, until duly re-docketed, according to the directions of the said Act; but no similar provision is made with respect to judgments obtained at the suit of the Crown: And whereas it is expedient to extend the principle of the aforesaid provision to such judgments: Be it enacted, that from and after the passing of this Act, no judgment obtained at the suit of the Crown which shall be more than twenty years old from the date thereof, shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a memorandum or minute duly authenticated, containing the name and usual or last known place of abode, and the title, trade, or profession of the person whose estate is intended to be affected thereby, the court, and the title of the cause in which such judgment shall have been obtained, and the date of such judgment, and the amount of the debt, damages, and costs thereby recovered, shall be left with the Registrar of Judgments, who shall forthwith enter the same particulars in the book in the said Act mentioned, which book shall henceforward be entitled Re-docketed Crown Bonds, Recognizances, and Judgments at the suit of the Crown, or in such other book or books as shall be appointed by any general order made as by this Act is provided; and every such memorandum shall be liable to and impressed with the same duty as every memorandum for the registration of any recognizance, bond, judgment, or obligation to the Crown is now liable to.

Recognizances
and Crown
bonds, &c.,
registered more
than four years
before the
passing of this
Act, to be re-
registered
within one
year after
passing of
this Act.
7 & 8 Vict.
c. 90. s. 11.
11 & 12 Vict.
c. 120. s. 13.

9. No recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, registered or re-docketed under an Act passed in the session of Parliament holden in the seventh and eighth years of Her present Majesty, intituled "An Act for the protection of purchasers against judgments, Crown debts, lis pendens, and commissions of bankruptcy, and for providing one office for the registering of all judgments in Ireland, and for amending the laws in Ireland respecting Bankrupts and the Limitation of Actions," or under the said Act of the twelfth year of Her Majesty, more than four years before the passing of this Act, shall, after the expiration of

one year from the passing of this Act, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as is required for a registry thereof, under the said Act of the eighth year of Her Majesty, be left with the officer appointed under that Act, within five years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued : *Provided always, that where twenty years from the date of such bond or recognizance to the Crown has expired, or will expire before the expiration of one year from the passing of this Act, nothing in this enactment contained shall be taken to dispense with the re-docketing under the said Act of the twelfth year of Her Majesty of such bond or recognizance to the Crown within such twenty years, or to give any greater validity or effect to such bond or recognizance than the same would have had under the provisions of the said Act of the twelfth year of Her Majesty in case this Act had not been passed.*

10. No recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, registered or re-docketed under the said Act of the eighth year of Her Majesty, or under the said Act of the twelfth year of Her Majesty, within four years before the passing of this Act, or which after the passing of this Act shall be registered or re-docketed or re-registered under either of the said Acts or under this Act, shall, after the expiration of five years from the date of such registry, re-docketing, or re-registry thereof, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as was required in the first instance be again left with such officer as aforesaid, within five years before the execution of the conveyance, settlement, mortgage, lease, or other instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued, and so toties quoties at the expiration of every succeeding five years.

The memorandum or minute to be left with the said officer for the registry of any recognizance, Crown bond, judgment at the suit of the Crown, re-docketed recognizance or Crown bond, statute, inquisition, or acceptance of office, shall be subject and liable to the

Recognizances
Crown bonds,
&c. registered
within four
years before
the passing of
this Act, or
which shall be
registered or
re-registered
after it, to be
re-registered
every five
years.

7 & 8 Vict.
c. 90. s. 11.

11 & 12 Vict.
c. 120. s. 13.

CLAUSE C.
Stamp duty on
memorandum
for re-registry
of recogni-
zances, Crown
bonds, &c. to
be the same

A.D. 1871.

as the stamp
duty on memo-
randums for
re-registering
judgments

same amount of stamp duty as that to which a memorandum or minute for the re-registry of a judgment is at present subject and liable.

11. And whereas the official establishment of the office of the said Registrar of Judgments at present consists, in addition to the said registrar and two searching clerks, and one writing clerk, of the following officers; that is to say, a chief clerk, a second clerk, and three junior clerks, who are respectively paid salaries according to a scale fixed by the Lords Commissioners of Her Majesty's Treasury :

In case of
vacancy of any
of the clerks
except the
most junior,
the Lord Chan-
cellor may
promote from
those holding
appointments
junior to that
vacated, if he
shall think
proper so to do;

If the Lord
Chancellor
shall not think
proper to make
such promo-
tion, or if the
most junior
clerkships shall
be vacant, the
vacancy is to
be filled up by
competitive
examination.

Be it therefore enacted, that it shall be lawful for the Lord Chancellor of Ireland, if he shall so think proper, upon the occurrence of a vacancy in the office of the said chief clerk, second clerk, third or fourth clerk, to appoint such one of the clerks junior in the establishment to the one so vacating office as, having regard to the existing rights of succession of the present officers, length of service, and competency, he shall consider most fit to fill the vacancy; and if the said Lord Chancellor shall not think proper to appoint any of such junior clerks to fill such vacancy, or if a vacancy shall happen in the most junior of such clerks, and if the Lords Commissioners of Her Majesty's Treasury shall consider it expedient to fill the same, be it further enacted that a person shall be appointed to fill such vacancy by means of competitive examination, according to such regulations as shall be made by general order by the said Lord Chancellor, Lord Chief Justice, Lord Chief Justice of the Common Pleas, Master of the Rolls, and Lord Chief Baron of the Exchequer, or any three of them, as is herein-before by this Act provided.

Power to
appoint addi-
tional clerks
if required.

12. If it shall hereafter appear to the Lord Chancellor of Ireland that the business of the said office cannot be discharged with due despatch without the assistance of an additional clerk or clerks, then and in such case it shall be lawful for the said Lord Chancellor, by and with the consent of the Lords Commissioners of Her Majesty's Treasury, on sufficient cause being shown, to direct that one or more additional clerk or clerks shall be appointed: Provided always, that such appointment or appointments shall be made by competitive examination as aforesaid.

Power to
reduce the
staff of the
office if it be
excessive;

13. If it shall hereafter appear to the said Lord Chancellor that the number of clerks in the said office is greater than is required for the due despatch of business, it shall be lawful for him, by and with the consent of the Lords Commissioners of Her Majesty's Treasury, to order that the number of such clerks shall be reduced, and that, if opportunity shall offer, such clerk or clerks as he shall

and to transfer
clerks not re-

consider not required in the said office shall be transferred to such other department of the public service as the said Lord Chancellor shall, with the consent of the said Lords Commissioners, by such order direct. A.D. 1871.

quired to other departments.

CLAUSE D.
Salaries, as fixed by Commissioners of the Treasury, to be paid to clerks.

5 It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall so think fit, upon the recommendation of the said Lord Chancellor, from time to time to increase or decrease, by such amounts as they may consider proper, the salaries now paid to the said clerks respectively, or to any or either
10 of them.

14. Every clerk appointed under this Act shall be deemed and construed to be an assistant clerk within the meaning of the thirtieth section of the said Act of the eighth year of Her present Majesty, and to be a clerk within the meaning of the sixty-third
15 section of an Act passed in the session of Parliament holden in the thirteenth and fourteenth years of Her present Majesty, intituled "An Act to amend the laws for the registration of assurances of "lands in Ireland," and the provisions of the said sections shall be applicable to every of them.

Clerks appointed under this Act to be subject to provisions of discipline contained in 7 & 8 Vict. c. 90. s. 30.; and to be liable to be transferred to register office under provisions of 13 & 14 Vict. c. 72. s. 63.

20 15. It shall and may be lawful for the said Registrar, for the purpose of making searches under this Act, to continue to employ the present searching clerks, who shall be removable as heretofore, and if a vacancy shall occur in the office of either of them it shall and may be lawful for the said Registrar, with the consent of the
25 Lords Commissioners of Her Majesty's Treasury, from time to time to appoint a competent clerk to fill such vacancy to be removable at his pleasure, and it shall and may be lawful for the said Lords Commissioners of Her Majesty's Treasury to authorise such annual salaries as they shall think proper to be paid to such searching
30 clerks, and from time to time to increase or decrease such salaries by such amounts as they shall think fit.

Registrar may appoint searching clerks.

Such salaries as the Lords Commissioners of Her Majesty's Treasury shall think proper shall be paid to searching clerks.

16. And whereas by the said Act of the twelfth year of Her present Majesty provision has been made for the registry in the said office of the satisfaction of judgments, Crown bonds, and
35 recognizances, decrees, rules, and orders upon the lodgment with the said registrar of a certificate in the said Act mentioned of the entry of satisfaction upon the roll of such judgment, or of the cancelling or vacate of such Crown bond or recognizance, or upon the certificate therein mentioned that such decree, rule, or
40 order has been fully performed, complied with, or satisfied: And whereas by the Public Records (Ireland) Act, 1867, provision has

11 & 12 Vict. c. 120. s. 10.

A.D. 1871.

When the rolls of judgments or recognizances have been removed to the Public Record Office, the Registrar of Judgments shall enter memorandums of satisfactions and vacates on production of copies of such judgments or recognizances, marked with satisfactions or vacates upon the face of them, without further certificates of satisfaction or vacate.

been made for the removal to the Public Record Office of the records therein mentioned: Be it enacted, that in every case in which the roll, book, or other record, upon or in which any judgment, decree, rule, order, recognizance, or Crown bond has been entered or recorded, has or shall have been removed to the said Public Record Office, and that an entry of satisfaction has or shall have been made upon such judgment or of vacate or cancellation upon such Crown bond or recognizance, or a certificate that such decree, rule, or order has been fully performed, complied with, or satisfied, has or shall have been recorded, then and in every such case a certified copy, duly authenticated according to the provisions of the Public Record (Ireland) Act, 1867, of such judgment, decree, rule, order, recognizance, or Crown bond, or of the material portions thereof respectively, and of the entry thereon of satisfaction, vacate, or cancellation, or of the certificate of performance, compliance, or satisfaction, shall have the same force and effect, and shall be received and acted upon by the said registrar in the same manner in all respects as a certificate of such satisfaction, performance, compliance, vacate, or cancellation under the provisions of the said Act of the twelfth year of Her Majesty.

Registrar to enter memorandums of vacates of lis pendens, upon production of certificates of order of court to vacate them.

17. And whereas no sufficient provision has been made for the registry in the said office of vacates of lis pendens: Be it therefore enacted, that the said registrar shall, upon the lodgment with him of a certificate that any lis pendens which may have been registered in the said office has been duly vacated by an order of the Court in which lis pendens may be, signed by the proper officer in that behalf, and which certificate such officer is hereby authorised and required to give, cause a memorandum of such vacate to be subscribed to the entry of the registry of such lis pendens specifying the date of such order, and shall sign such memorandum, and upon every search made in the said office subsequently to the entry of such memorandum as aforesaid whereupon such lis pendens shall appear the entry of such memorandum shall be stated.

11 & 12 Vict.
c. 120, s. 12.

18. And whereas it was enacted by the said Act of the twelfth year of Her Majesty that no judgment, Crown bond, or recognizance, rule, decree, order, or lis pendens should be registered by the said registrar unless and until there should be subscribed to the memorandum or minute therein mentioned a certificate of the existence of the judgment, Crown bond, or recognizance, rule, decree, order, or lis pendens, signed by the officer in the said Act mentioned: Be it enacted, that in every case in which the roll, book, or record upon or in which such judgment, Crown bond,

Attested copy of judgment when the roll

- recognizance, rule, decree, or order has been entered has or shall have been removed to the said Public Record Office, a certified copy, duly authenticated according to the provisions of the said Public Records Ireland Act, 1867, of such judgment, Crown bond, recog-
 5 nizance, rule, decree, or order, or of the material portions thereof respectively, (provided always, that such copy shall not contain any entry of satisfaction of such judgment, performance of or compliance with such decree, rule, or order, or vacate or can-
 10 cellation of such recognizance or Crown bond), shall have the same force and effect, and shall be received and acted upon by the said registrar in the same manner in all respects as a certificate of the existence of such judgment, Crown bond, recognizance, rule, decree, or order under the provisions of the said Act of the twelfth year of Her Majesty.
- 15 **19.** During the temporary absence of the said Registrar of Judgments, and during the temporary absence of the Clerk of the Crown and Hanaper from their respective offices, the affixing or signing the name of the said Registrar of Judgments by the chief clerk in his office, and of the name of the said Clerk of the Crown and
 20 Hanaper by the chief clerk in his office, to all memorandums, entries, certificates, proceedings, and documents, upon their being respectively duly authorised in that behalf by the said Registrar of Judgments and Clerk of the Crown and Hanaper so to do, but not otherwise, shall be as good, valid, and effectual as if the same
 25 respectively were affixed or signed by the said Registrar of Judgments and Clerk of the Crown and Hanaper: Provided always, that the said Registrar of Judgments and Clerk of the Crown and Hanaper shall respectively be as liable to all actions or other proceedings by any persons damnified by such affixing or signing of
 30 their respective names by their respective chief clerks as they would be if the same had been affixed or signed by themselves respectively.

A.D. 1871.

shall have been removed to the Public Record Office to have the same effect as certificate of existence for the purpose of registry.

Provided that such copy shall not contain any entry that the judgment has been satisfied, &c.

During the temporary absence of Registrar of Judgments, and Clerk of Crown and Hanaper, their chief clerks may sign documents.

Provido that the registrar and Clerk of Crown and Hanaper shall be responsible for such signatures.

- 20.** In case of illness or other necessary cause of absence it shall be lawful for the first and second assistant in the Record and Writ
 35 Office from time to time as occasion may require to appoint a deputy, such deputy, and also the occasion for such appointment, to be first approved by the Lord Chancellor, upon a petition to be verified by affidavit, for such time and under such regulations as the Lord Chancellor shall direct, and no such appointment of a
 40 deputy shall continue for any longer time than shall be allowed and specified in and by the said order which shall be made on such petition, and that such deputy shall be paid out of the salary or fees of such officer, such sum as shall be directed by the said order.

Appointment of deputies in case of absence of first and second assistants in Record and Writ Office.

A.D. 1871.

SCHEDULES.

SCHEDULE A.

PART OF ACTS TO BE REPEALED, SO FAR AS IN THE FOREGOING ACT
DECLARED.

Date of Act.	Title of Act.	Extent of Repeal.	5
7 & 8 Vict. c. 90	An Act for the protection of purchasers against judgments, Crown debts, lis pendens, and commissions of bankruptcy, and for providing one office for the registering of all judgments in Ireland, and for amending the laws in Ireland respecting bankrupts, and the limitations of actions.	Sections 16, 17 (except the proviso), 18, 19, 20, 22, so far as relates to the appointment and duty of Assistant Clerks. 23, 24, 28.	10
11 & 12 Vict. c. 120	An Act to facilitate the transfer of landed property in Ireland.	Sections 1 and 4 so far as relates to the Registrar of Judgments only; those portions of sections 10, 11, and 12 which enact that the Registrar of Judgments shall endorse upon a duplicate of any memorandum a minute or certificate of the lodgment and entry thereof.	15 20 25

SCHEDULE B.

Forms of Requisition.

No. 1.—To the Registrar of Judgments.

Negative search for judgments or revivals entered up in any of Her Majesty's Superior Courts at Dublin, or obtained in any inferior Court of Record before the 15th day of July 1850, for decrees, rules, orders, or civil bill decrees for poor-rates, made before the 15th day of July 1850, and for lis

pendens registered or re-registered against _____, from the _____ A.D. 1871.
 _____ day of _____ to the _____ day of _____
 _____; and for recognizances and Crown bonds, judgments at the
 suit of the Crown, statutes, inquisitions, and acceptances of office registered or
 5 re-docketed against the said _____, from the _____
 day of _____ to the _____ day of _____.
 Dated this _____ day of _____.
 _____ Signed, _____.

No. 2.—To the Registrar of Judgments.

10 Negative search for judgments, revivals, decrees, rules, orders, lis pendens,
and civil bill decrees for poor rate registered or re-registered against
_____, from the ____ day of _____
to the ____ day of _____; and for recognizances and
Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and
15 acceptances of office registered or re-docketed against the said _____,
from the ____ day of _____ to the
____ day of _____.

Dated this ____ day of _____.
Signed, _____.

20 No. 4.—To the Registrar of Judgments.

I require a duplicate of the search against _____, set forth
in the requisition left with you, by _____, on the
day of _____.
Dated this _____ day of _____.
25 _____ Signed, _____.

No. 5.

On search made in the Registry of Judgments Office, in pursuance of the foregoing requisition, I do not find any [but the above mentioned (*these words to be omitted when none appear*)] such judgments, revivals, decrees, rules or
30 orders, judgments at the suit of the Crown, statutes, recognizances, or Crown bonds, lis pendens, inquisitions, or acceptances of office registered or re-registered, or re-docketed, within the respective periods aforesaid against the said

Dated this day of .
[Name of Registrar.]

35 Witnesses present when the search was made,

A.D. 1871.

SCHEDULE C.

DUTIES OF STAMPS which are to be paid and payable in Ireland for and in respect of the several instruments, matters, and things herein mentioned, used, filed, registered, recorded, or issued in the Office of Registrar of Judgments.

5

On every requisition for a search for judgments or revivals entered up in any of Her Majesty's courts at Dublin, or obtained in any inferior court of record before the 15th day of July 1850, and for decrees, rules, orders, or civil bill decrees for poor rates, made before the 15th day of July 1850, and for lis pendens registered against any person, and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered or re-docketed against the same person

10

0 16 6 15

On every requisition for a search for judgments, revivals, decrees, rules and orders, lis pendens and civil bill decrees for poor-rate, registered or re-registered against any person, and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered and re-registered or re-docketed against the same person

20

1 0 0

On every requisition for a duplicate of a search, according to the provisions of the 8th section of the Act to which this schedule is annexed

0 5 0

On every memorandum of vacate of a lis pendens to be subscribed or annexed to the original entry of registry in the office of Registrar of Judgments pursuant to this Act

25

0 2 6

Judgments (Ireland). [H. L.]

A

BILL

INTITLED

An Act for the further protection of
Purchasers against Crown Debts, and
for amending the Laws relating to the
Office of the Registrar of Judgments,
and other offices of the Court of
Chancery, Ireland.

(*Brought from the Lords 23 May 1871.*)

*Ordered, by The House of Commons, to be Printed,
1 June 1871.*

[Bill 167.]

Under 2 oz.

A

B I L L

INTITLED

An Act to make further provision for the despatch of business by the Judicial Committee of the Privy Council. A.D. 1871.

[Note.—*The words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to make further provision for the despatch of business by the Judicial Committee of the Privy Council :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Her Majesty may at any time after the passing of this Act, and from time to time by warrant under her Sign Manual, appoint any number of persons qualified as in this Act mentioned to act as members of the Judicial Committee of the Privy Council under the provisions of this Act, but so that not more than four such members shall at any one time be acting under the provisions of this Act and entitled to the payments hereby provided.

Appoint-
ment of addi-
tional mem-
bers of the
Judicial
Committee.

Any persons appointed to act under the provisions of this Act as members of the said Judicial Committee must be privy councillors, and be specially qualified as follows; that is to say, two of their number must at the date of their appointment be or have been judges of one of Her Majesty's Superior Courts at Westminster, and the remaining two must each at the date of his appointment have been a Chief Justice of the High Court of Judicature at Fort William in Bengal, or of the late Supreme Court of Judicature at Fort William in Bengal.

Where any person appointed in pursuance of the provisions herein contained to act as a member of the said Judicial Committee is at the date of his appointment a judge of one of the said courts at Westminster, he shall on his appointment vacate his office as such

[Bill 250.]

A.D. 1871. judge, but as to salary, and as to pension, shall remain in the same position as if no such appointment had been made; and service as a member of the Judicial Committee shall for the purposes of salary and pension be reckoned as service in the court from which he was removed.

5

Where any person appointed in pursuance of the provisions herein contained to act as a member of the Judicial Committee is not at the time of his appointment such a judge as aforesaid, there shall be paid to him a salary of one thousand five hundred pounds a year in addition to any pension to which he may be entitled.

10

Any salary payable under this Act shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland. It shall grow due from day to day, and shall be payable to the person entitled thereto, or to his executors or administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

15

It shall be the duty of every person appointed to act as a paid member of the Judicial Committee under this Act to attend the sittings of the said Committee when summoned thereto unless he shall be prevented by reasonable cause; and every such person shall, so long as he shall continue to be a Privy Councillor acting under this Act, but no longer, have the same title to continue to receive the salary hereby provided for him as if he were a judge of one of the Superior Courts holding office during good behaviour, but removable by Her Majesty upon an Address of both Houses of Parliament.

25

Definitions:
Superior
Courts at
Westminster.

2. In this Act—

The term "Superior Courts at Westminster" means Her Majesty's Superior Courts of Law and Equity at Westminster, inclusive of the Court of Probate in England and the Court for Divorce and Matrimonial Causes, and the High Court of Admiralty of England.

Saving of
Acts relating
to Judicial
Committee.

3. This Act shall not, except in so far as is by this Act expressly provided, affect the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter forty-one, intituled "An Act for the better administration of justice in His Majesty's Privy Council," or any Act amending the same.

Title of Act.

4. This Act may be cited as The Judicial Committee Act, 1871.

40

**Judicial Committee of
Privy Council. [H.L.]**

A

B I L L

INTITLED

An Act to make further provision for
the despatch of business by the Judi-
cial Committee of the Privy Council.

(*Brought from the Lords 7 July 1871.*)

Ordered, by The House of Commons, to be Printed,
14 July 1871.

[Bill 250.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to make further provision for the despatch of business by the Judicial Committee of the Privy Council. A.D. 1871.

WHEREAS it is expedient to make further provision for the despatch of business by the Judicial Committee of the Privy Council :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Her Majesty may within twelve months after the passing of this Act, by warrant under her Sign Manual, appoint four persons qualified as in this Act mentioned, whether already members of such Judicial Committee or not, to act as members of the Judicial Committee of the Privy Council under the provisions of this Act, and may from time to time within two years after the passing of this Act by a like warrant fill any vacancies occasioned by death or otherwise in the offices of the persons so appointed.

Appoint-
ment of addi-
tional mem-
bers of the
Judicial
Committee.

Any persons appointed to act under the provisions of this Act as members of the said Judicial Committee must be specially qualified as follows ; that is to say, must at the date of their appointment be or have been judges of one of Her Majesty's Superior Courts at Westminster, or a Chief Justice of the High Court of Judicature at Fort William in Bengal, or Madras or Bombay, or of the late Supreme Court of Judicature at Fort William in Bengal.

Where any person appointed in pursuance of the provisions herein contained to act as a member of the said Judicial Committee is at the date of his appointment a judge as aforesaid, he shall on his appointment vacate his office as such judge, but as to pension shall remain in the same position as if no such appointment had been made ; and service as a member of the Judicial Committee shall

[Bill 291.]

A.D. 1871. — for the purposes of pension be reckoned as service in the court from which he was removed.

Whereas doubts have been entertained as to the meaning and effect of the provisions of the Court of Probate Act and the Divorce Act as to the pension of the said judge of the Probate and judge of 5 the Divorce Courts: Be it declared and enacted, that the said pension was intended to be and shall be similar in amount and in all other respects to the pension to which the puisne judges of the superior courts of common law are entitled.

There shall be paid to each of the said judges of the Judicial 10 Committee so long as he shall hold such office a salary of five thousand pounds a year including any pension to which he may be entitled.

Any salary payable under this Act shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great 15 Britain and Ireland. It shall grow due from day to day, and shall be payable to the person entitled thereto, or to his executors or administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine. 20

It shall be the duty of every person appointed to act as a paid member of the Judicial Committee under this Act to attend the sittings of the said Committee when summoned thereto unless he shall be prevented by reasonable cause; and such members shall hold their office during good behaviour, and shall continue to hold 25 their offices notwithstanding the demise of the Crown, but they shall be removable by Her Majesty, her heirs and successors, upon the address of both Houses of Parliament: Provided always, they shall hold their offices subject to such arrangements as may be hereafter made by Parliament for the constitution of a supreme court of 30 appellate jurisdiction.

Definitions :
Superior
Courts at
Westminster.

2. In this Act—

The term "Superior Courts at Westminster" means Her Majesty's Superior Courts of Law and Equity at Westminster, inclusive of the Court of Probate in England and the Court for Divorce and 35 Matrimonial Causes, and the High Court of Admiralty of England.

Saving of
Acts relating
to Judicial
Committee.

3. This Act shall not, except in so far as is by this Act expressly provided, affect the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter forty-one, intituled 40 "An Act for the better administration of justice in His Majesty's "Privy Council," or any Act amending the same.

4. This Act may be cited as The Judicial Committee Act, 1871, and shall, so far as is consistent with the tenor thereof, be construed as one with any Acts for the time being in force relating to the Judicial Committee of the Privy Council.

A.D. 1871.
Title of Act.

**Judicial Committee of
Privy Council. [H.L.]**

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to make further provision for
the despatch of business by the Judi-
cial Committee of the Privy Council.

(*Brought from the Lords 7 July 1871.*)

*Ordered, by The House of Commons, to be Printed,
14 August 1871.*

[Bill 291.]

Under 1 oz.

A

B I L L

TO

Repeal Section Twenty-two of "The Juries Act, 1870." A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. From and after the passing of this Act the twenty-second section of "The Juries Act, 1870," shall be repealed.

Repeal of
s. 22. of
33 & 34 Vict.
c. 77.

Juries Act (1870) Amendment.

A

B I L L

To repeal Section Twenty-two of "The
Juries Act, 1870."

(*Prepared and brought in by*
Mr. Attorney General and Mr. Solicitor
General.)

Ordered, by The House of Commons, to be Printed,
15 February 1871.

[Bill 84.]

Under 1 oz.

A
B I L L

INTITULED

An Act to amend and consolidate the Laws relating to Juries A.D. 1871.
in Ireland.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend and consolidate the laws Preamble.
relating to juries in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as “The Juries Act Short title.
(Ireland), 1871.”

10 2. This Act shall extend to Ireland only.

Extent of
Act.

3. In the construction and for the purposes of this Act (if not Interpre-
inconsistent with the context or subject matter), the following words tation of
shall have the respective meanings herein-after assigned to them ; terms.
(that is to say,)

15 “County” shall include “county of a city,” “county of a town,”
and “the city and county of Londonderry :”

“Court” shall mean and include each of the superior courts at
Dublin, and every court of assize, nisi prius, oyer and terminer
and gaol delivery, every general sessions of the peace, every
20 civil bill court, and every recorder's court :

“Judge” shall include every justice and commissioner of assize,
nisi prius, and oyer and terminer and gaol delivery, every
chairman of the civil bill court, and also every chairman of
justices presiding at general sessions of the peace for any
25 county, and every recorder, and also every person duly
appointed and acting as deputy for any of the judges afore-
said :

“Sheriff” shall include under sheriff :

“Juror” shall mean male persons only :

[Bill 231.]

A

A.D. 1871. "Barony" shall include half barony or other division of a barony, and in counties of cities or counties of towns shall mean wards.

Certain Acts
and parts
of Acts re-
pealed.

4. From and after the commencement of this Act the several Acts and parts of Acts set forth in the first schedule to this Act annexed, to the extent to which such Acts or parts of Acts are by such schedule expressed to be repealed, and every other Act or Acts and such parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or parts of Acts, whether mentioned or included in the said schedule or not, repeal any former Act or Acts or parts of an Act or Acts, and except as to the recovery and application of any penalty for any offence which shall have been committed before the commencement of this Act.

15

PART II.—AMENDMENT.

Qualifica-
tion of
jurors.

3 & 4 W. 4.
c. 91. s. 1.

5. Every man being a subject of the Queen, between the ages of twenty-one and sixty years, residing in any county in Ireland, who shall be either in his own name or as a member of a firm or copartnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments, within such county, of the net annual value fixed for such county in the fourth schedule to this Act, shall be qualified as to property, and liable (save as herein-after exempted or disqualified) to serve on all juries for the trial of all issues, civil and criminal, joined in any of the Queen's courts, and triable in the county in which such man shall reside, and shall also be qualified and liable (save as herein-after exempted or disqualified) to serve on grand juries at the general sessions of the peace within such county, and on every inquest or inquiry to be taken or made in such county by or before any sheriff or coroner, or by or before any master or commissioner appointed by any of the superior courts of common law or equity, or by or before any commissioner appointed under the great seal or the seal of the Court of Exchequer; and every man between the ages aforesaid, residing in any borough in Ireland having a separate court of sessions of the peace, or a court of record for the trial of civil actions, and rated as aforesaid in respect of lands, tenements, or hereditaments, within such borough, of the net annual value fixed for such borough in the fourth schedule to this Act, shall be qualified as to property, and liable (save as herein-after exempted or disqualified) to serve on grand juries at sessions of the peace in such borough, and also upon juries for the trial of all issues, civil and criminal, joined

A.D. 1871.

in any court of sessions of the peace, and in any court of record for the trial of civil actions, triable in the borough in which such person shall reside: Provided always, that for the purposes of this Act, as regards any county of a city, county of a town or
 5 borough, having a separate court of sessions of the peace or a court of record for the trial of civil actions, any such person as aforesaid shall be deemed to be resident therein who shall have or occupy a counting-house, office, shop, or place of business in such county of a city, county of a town or borough as aforesaid, although such person
 10 may not actually reside therein, provided that he reside within twelve statute miles of the court house of such county of a city, county of a town or borough as aforesaid, and in the county of the city of Dublin within a like distance of the General Post Office in Dublin, to be computed by the nearest public road or way.

15 **6.** The persons described in the second schedule hereto annexed shall be absolutely freed and exempted from being returned, and from serving on any jury, inquest, or inquiry whatsoever, and the names of such persons shall not be inserted in the jurors lists or jurors books to be prepared by virtue of this Act as herein-after directed.

Exemption
from serving
on juries.
3 & 4 W. 4.
c. 91. s. 2.

20 **7.** No alien nor any man who hath been or shall be attainted or convicted of any treason or felony, or of any crime that is infamous, unless he shall obtain a free pardon, nor any man who is under outlawry by virtue of any criminal process, is or shall be qualified to serve on juries, inquests, or inquiries in any court, or on any
 25 occasion whatsoever.

Disqualifica-
tions.
3 & 4 W. 4.
c. 91. s. 3.

8. The clerk of the peace of every county in Ireland, except the county of the city of Dublin, shall, within one week after the first day of July in every year, issue and deliver his precept, in the Form A. set forth in the third schedule hereto annexed, to the
 30 clerk of each poor law union wholly or partly included within such county, requiring each such clerk of poor law union to prepare and return to such clerk of the peace, on or before the first day of August next ensuing, a complete and true list for each barony of such county within his union of all men between the
 35 ages of twenty-one and sixty years (except those exempted or disqualified by this Act from being returned or serving on juries) residing in such county, rated either in their own names or as members of a copartnership in the then last rate made in the said union for the relief of the poor in respect of lands, tenements, or heredita-
 40 ments situate in such barony within such included union, of the net annual value fixed for such county in the fourth schedule to this

Clerk of
peace to
issue precept
to clerks of
unions.

A.D. 1871. — Act, and also to perform and comply with all other the requisitions in the said precept contained; and such clerk of the peace shall annex to every such precept a printed copy of the second schedule of this Act, and shall cause a sufficient number of forms to be printed, according to the Form B. set forth in the third schedule hereto 5 annexed, and shall issue and deliver with the said precept a sufficient number of the said forms for the use of the persons by whom the same are to be filled up and returned as herein-after directed.

Clerks of
unions to
return lists.

9. Forthwith after the receipt of such precept from the clerk of the peace the clerk of every poor law union shall (after due 10 inquiry, which he is hereby required to make with the assistance of the respective collector or collectors of poor rate within his union, and which assistance every such collector or collectors is and are hereby required to give for such purpose), prepare, in alphabetical order of surnames, and consecutively numbered, a complete and 15 true list for each barony of such county within his union, in the Form B. set forth in the third schedule hereto annexed, of the names of all men between the ages of twenty-one and sixty years (except those exempted or disqualified by this Act from being returned or serving on juries), residing in such county and rated as aforesaid in 20 respect of lands, tenements, or hereditaments of the net annual value specified in such precept, situate in such barony, with their Christian names and surnames written at full length, and with the true or last-known place of abode, and the title, quality, calling, or business, and the net annual value and place of the rated 25 lands, tenements, or hereditaments of each such man, and shall inscribe the same in the proper columns of the said forms, and shall, on or before the first day of August next ensuing the receipt of such precept as aforesaid, deliver the said forms with the said list so inscribed therein, and with the declarations at the foot or end 30 of the said list, in the said form set forth, signed respectively by the collector or collectors by whose assistance such list shall have been prepared, and by the said clerk of union; and such list, when prepared and delivered as aforesaid, shall be called the "general list of jurors" for the barony of the county for which the same 35 shall have been prepared.

Preparation
of lists for
the county
of the city
of Dublin.
12 & 13 Vict.
c. 91. s. 87.

10. The clerk of the peace for the county of the city of Dublin shall, at the time aforesaid in every year, issue and deliver a like precept with a printed copy of the second schedule of this Act thereto annexed, and with like forms, to the collector-general of 40 rates for the city of Dublin, requiring the said collector-general to prepare and return to the said clerk of the peace a like list for

the county of the city of Dublin, and also to perform and comply with all other the requisitions in the said precept contained; and the said collector-general shall, within the time aforesaid, prepare, inscribe, sign, and deliver such list for the county of the city of Dublin in like manner in all respects as is herein-before provided with respect to the lists for the other counties in Ireland; and such list, when prepared and delivered as aforesaid, shall be called the "general list of jurors" for the county of the city of Dublin.

11. The clerk of the peace of every county in Ireland, on or before the fifteenth day of August in every year, shall, from each of the lists so furnished to him as aforesaid, cause to be made out for each barony of such county a true and complete list, in the Form C. set forth in the third schedule hereto annexed, containing the names of all persons contained in the list furnished to him as aforesaid for such barony who are the sons of peers, baronets, knights, magistrates, the eldest sons of baronets, of knights, or of magistrates, and of every person appearing in such list as being either in his own name or as a member of a copartnership rated for the relief of the poor in respect of lands, tenements, or hereditaments of the net annual value fixed for such county in the fifth schedule to this Act, and the names contained in each of the said lists to be made out by such clerk of the peace shall be arranged in alphabetical order of surnames and consecutively numbered, and each such list shall contain the like particulars in every respect as the lists furnished to him as aforesaid, and when so made out shall be called the "list of special jurors" for the barony of the county for which the same shall have been made out, and such clerk of the peace shall, at the foot or end of every such "list of special jurors" made out by him, sign a declaration that such "list of special jurors" has been fully and correctly prepared by him from "general list of jurors" from which such "list of special jurors" shall have been made out by him.

12. The clerk of the peace of every county in Ireland shall, between the eighth day of September and the twenty-fifth day of October inclusive, in every year, bring the several "general lists of jurors" and "lists of special jurors" for each barony of the county so furnished to and made out by him as aforesaid, before the court (or one of the courts) at which the register of parliamentary voters for such barony shall be revised, and of the time and place of holding such court every such clerk of the peace shall cause public notice to be given by advertisement in one or more of the newspapers circulating within such county, and shall cause a

A.D. 1871.
Clerk of the
peace to
prepare
"lists of
special
jurors."

Revision of
"general
lists of
jurors"
and "lists
of special
jurors" by
parlia-
mentary
revision
court.
13 & 14 Vict.
c. 69, ss. 46,
47.

A.D. 1871. sufficient number of copies of the said notice to be printed, published, and posted in each such barony, and shall send and deliver copies thereof to all clerks of unions, poor rate collectors, and all other persons who shall have assisted or taken part in preparing any of the said lists, requiring them and each of them to attend at such court, and the said clerks of unions, poor rate collectors, and persons shall attend such court and every lawful adjournment thereof, and shall answer upon oath all such questions as shall be put to them by the chairman or barrister presiding in such court, touching anything done by them in execution of the provisions of this Act; and such chairman or barrister shall, at the said court or at some lawful adjournment thereof, revise the said "general lists of jurors" and "lists of special jurors" respectively, and shall, upon sworn testimony, or any other evidence satisfactory to such chairman or barrister, amend the said lists by expunging therefrom the name of every man whose name shall appear therein respectively, who shall be exempted, or who shall not be qualified under this Act, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity shall be unfit to serve as a juror, and by inserting therein the name of every man whose name shall not appear therein respectively, who shall be qualified and liable to serve as a juror under this Act, and by correcting and supplying all errors and omissions which shall be found in any of the said lists; and the said chairman or barrister shall write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any error shall have been corrected, or any omission supplied, or any insertion made by him, and shall sign his name to every page of the several lists so settled; and when the said chairman or barrister shall have revised, settled, and signed as aforesaid all the said several lists for every barony of the county, he shall cause the same to be delivered to the clerk of the peace of the said county, who shall place and preserve the same among the records in his office, and shall allow the same to be inspected at all reasonable times, without hindrance, fee, or reward. Provided always, that it shall be lawful for the revising barristers of the city of Dublin to adjourn their courts for the purpose of revising the said "general lists of jurors" and "lists of special jurors" respectively, from time to time, up to and including the fourteenth day of November in each year.

13 & 14 Vict.
c. 69. s. 56.

Preparation
of "the
general
jurors
book."

13. The clerk of the peace of every county in Ireland shall, on or before the first day of December next after the receipt of all the said lists from such chairman or barrister, cause to be made out

from all the said "general lists of jurors," for every barony of the county so delivered to him by such chairman or barrister, one true and complete list in the Form D. set forth in the third schedule hereto annexed, containing the names, arranged in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surname in the alphabetical order of their Christian names, and consecutively numbered, of all the persons contained in such "general lists of jurors," with their Christian names and surnames written at full length, and with the true or last known place of abode, and the title, quality, calling, or business, and the net annual value and place of property of each such person, as the same are stated in such "general lists of jurors," and the said list when so made out shall be called "the general jurors book for the year . . ." (inserting the calendar year for which such "general jurors book" is to be in use); and the said clerk of the peace shall certify such book under his hand signed at the foot of the last page thereof to be "the general jurors book" for such year, and the said clerk of the peace shall also cause to be made out from all the said "lists of special jurors," for every barony of the county so delivered to him by such chairman or barrister, one true and complete list in the Form E. set forth in the third schedule hereto annexed, containing the names, arranged in alphabetical order as herein-before prescribed in the case of the "general jurors book," and consecutively numbered, of all the persons contained in such "special lists of jurors," with their Christian names and surnames written at full length, and with the true or last known place of abode, and the title, quality, calling, or business, and the net annual value and place of property of each such person, as the same are stated in such "lists of special jurors," and the said list when so made out shall be called "the special jurors book for the year . . ." (inserting the calendar year for which such special jurors book is to be in use), and the said clerk of the peace shall certify such book under his hand, signed at the foot of the last page thereof, to be "the special jurors book" for such year, and shall insert in a column for that purpose in the "general jurors book" the word special opposite the name of every person whose name shall appear in both books, and the said clerk of the peace shall, on or before the first day of January in every year, deliver the said "general jurors book" and "special jurors book" to the sheriff of the county, and the said books shall be brought into use on the first day of Hilary term next after they shall have been so delivered by the clerk of the peace to the sheriff, and shall be retained in the sheriff's office for a period of three years, after the expiration of

A.D. 1871.

3 & 4 W. 4.
c. 91. s. 9.Preparation
of "the
special
jurors
book."3 & 4 W. 4.
c. 91. s. 24.

A.D. 1871. — which time they shall be returned by the sheriff for the time being to the clerk of the peace, who shall place and preserve the same amongst the records in his office.

Preparation and revision of lists, and preparation of "the general jurors book," in boroughs having a separate court of sessions of the peace.

14. The clerk of the peace of every borough in Ireland, not being a county of a city or county of a town, having a separate 5 court of sessions of the peace or a court of record for the trial of civil actions, shall, within the time and with the like copy schedule annexed, and with sufficient number of like forms as is herein-before provided in the case of counties in Ireland, issue and deliver a precept, in the Form A. set forth in the third schedule hereto annexed, 10 to the clerk of each poor law union wholly or partly included within such borough, requiring each such clerk of union to prepare and return to the said clerk of the peace for each ward of the said borough within his union a true and complete list of all men between the ages of twenty-one and sixty years (except those 15 exempted or disqualified by this Act from being returned or serving on juries), residing in such borough, rated in their own names, or as members of any firm or copartnership, in the then last rate made in such included union for the relief of the poor, in respect of lands, tenements, or hereditaments situate in such ward within such 20 union, of the net annual value fixed for such borough in the fourth schedule to this Act, and also to perform and comply with all other the requisitions in the said precept contained, and each such clerk of union shall prepare, inscribe, sign, and deliver such list within the like time and in like manner in all respects 25 as is herein-before provided with respect to the lists for counties in Ireland, and such list, when prepared and delivered as aforesaid, shall be called the "general list of jurors" for the ward of the said borough for which the same shall have been prepared; and the "general lists of jurors" for every ward of the said 30 borough shall be revised and settled within the time and in the same manner in all respects as is herein-before provided in the case of counties in Ireland, by the courts at which the register of parliamentary voters for the said borough shall be revised, and of the time and place of holding such court the clerk of the peace 35 of every such borough shall give like notice, and the like persons shall attend the said courts in the same manner in all respects as is herein-before provided in the case of counties in Ireland, and forthwith after the receipt of all the said lists from the chairman or barrister by whom the same shall have been revised, the clerk of 40 the peace of every such borough shall make out and certify "the general jurors book" for such borough, in the same manner in all

respects as is herein-before provided with respect to "the general jurors book" in counties in Ireland, and shall insert in a column for that purpose in such book the word special opposite the name of every person whose name shall appear on the "special jurors book"

A.D. 1871.

- 5 of the county or counties in which such borough is situate; and "the general jurors book" for every such borough as aforesaid shall be brought into use on the first day of Hilary term next after it shall have been so made out, and shall be used until the first day of Hilary term of the year next following, and thenceforward until
10 a new "general jurors book" shall have been in like manner made out as aforesaid.

15. If any "general jurors book" or "special jurors book" shall be found to contain any name which ought not, or to omit any name which ought to appear therein, it shall be lawful for Her Majesty's
15 Court of Queen's Bench, or any judge of the said court, or for the chairman of quarter sessions, or recorder of the county or borough for which such "general jurors book" or "special jurors book" shall have been prepared, upon complaint thereof made upon oath of the fact by any person whomsoever, to order any or every sheriff,
20 clerk of the peace, clerk of union, or any or every other person or persons who shall have prepared or taken part in preparing such "general jurors book" or "special jurors book," to attend in person before such court, judge, chairman, or recorder, and there to produce all or any documents in the custody, possession, or procurement of
25 any such person which such court, judge, chairman, or recorder shall require; and if, upon inspection of the said "general jurors book" or "special jurors book," and examination of said persons and documents, or any of them, any defect or defects, error or errors shall be found in the said "general jurors book" or "special jurors
30 book," the said court, judge, chairman, or recorder shall order the same to be corrected or amended, and such correction or amendment shall be forthwith made and signed in such "general jurors book" or "special jurors book," and in the copy (if any) of such "general jurors book" or "special jurors book" by the clerk of the peace
35 of such county or borough, in the presence of the court, judge, chairman, or recorder ordering the same; and if any such person as aforesaid shall fail to attend when so ordered, or to produce any document required as aforesaid, or if, upon such inspection or examination as aforesaid, any such defect or defects, error or
40 errors shall be proved to the satisfaction of such court, judge, chairman, or recorder to have been caused by the wilful act or default, or by the culpable negligence of any one or more of the

Correction of
"the general jurors
book" and
"the special
jurors book."
8 & 9 Vict.
c. 67. s. 4.

A.D. 1871. — said persons, it shall be lawful for such court, judge, chairman, or recorder, in a summary way, to impose any fine not exceeding twenty-five pounds for each defect or error so caused as aforesaid upon every person wilfully or culpably causing such defect or error as aforesaid, and to direct such fine to be applied in payment of 5 the costs of the person or persons who shall have complained of the same, or otherwise in such manner as the court, judge, chairman, or recorder inflicting the fine shall think fit.

CLAUSE A.
Payment of
the expenses
attending the
execution of
this Act.

13 & 14 Vict.
c. 69. s. 73.

8 & 9 Vict.
c. 67. s. 6.

The expenses of any printing done in pursuance of this Act, and any other expenses attending the execution of this Act, 10 so far as the same shall be incurred in connexion with the duties hereby imposed on the clerk of any poor law union, shall be defrayed out of the rates by the guardians of the poor of such union, and it shall be lawful for the guardians of the poor of each 15 union by an order to make such annual allowance out of the rates to the clerks of unions, as a compensation for the duty hereby imposed upon them, as the said guardians shall think proper; but no such order shall be acted on, or any payment made thereunder until the same shall be approved of by the Poor Law Commis- 20 sioners, and the payment sanctioned by them; and the expenses of this Act, so far as the same shall be incurred in connexion with the duties hereby imposed on the clerks of the peace, shall be defrayed out of the grand jury cess; and it shall be lawful for the grand jury of every county, and for every town council empowered to make presentment, as the case may be, from time to time at 25 the next ensuing assizes or presenting term, and they are hereby required without previous application at presentment sessions or otherwise to present all such sums of money as they shall deem reasonable and necessary for defraying the expense of any printing done in pursuance of this Act, and any other expenses attending 30 the execution of this Act, other than those defrayed out of the rates by the guardians of the poor.

Returning
officers to
have access
to the "ge-
neral jurors
book" and
"special
jurors
book," and
all names to
be returned
from such
books.
3 & 4 W. 4.
c. 91. s. 11.

16. Where any precept for the return of jurors shall be issued to any coroner, elisor, or other officer, he shall have free access to "the general jurors book" and "the special jurors book" respec- 35 tively, for the current year, or for the preceding year, as he may require; and no sheriff or other officer shall in answer to any precept for the return of common or special jurors, return the name of any person not contained in "the general jurors book" or "the special jurors book" respectively, for the year current on the day 40 named in such precept for such return: Provided always, that if there shall be no "general jurors book" or "special jurors book"

respectively in existence for such current year, it shall be lawful to return jurors from "the general jurors book" and "the special jurors book" respectively for the next preceding year, and if any person or persons whose names shall not be contained in such
 5 "general jurors book" or "special jurors book" respectively shall be returned and sworn as a juror or jurors upon any trial without objection, such trial shall not be interrupted or deemed a mistrial, nor shall the verdict thereon be impeached or questioned on account of the return of such juror or jurors.

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- 10 17. It shall be the duty of every sheriff within whose bailiwick any court shall be appointed to be held before which the attendance of juries may be required, to apply for and procure to be issued in sufficient time before the time appointed for holding such court all such precepts as shall be necessary for commanding the return
 15 of jurors before such court, and immediately after the issue of any such precept the sheriff or other officer to whom the same shall be issued shall, according to the exigency of such precept, select a sufficient number of names from the "general jurors book" or "special jurors book," as the case may be, and prepare a panel thereof, and
 20 in all cases at the time of making such selection the said sheriff or other officer making the same shall inscribe the date thereof, and the court for which such names are selected to be returned as jurors opposite each of the names so selected in the proper column of "the general jurors book," and if the name of the person so
 25 returned should be on the "special jurors book," shall also make like entry in "the special jurors book," and shall initial in such "general jurors book" or "special jurors book" the names selected by him, and the jurors so selected shall be summoned as hereinafter provided; and a written or printed panel containing the
 30 Christian names and surnames, arranged in the order in which they are by this Act directed to be selected from the "jurors book," and the places of abode, and additions of the persons summoned, shall, seven days before the day named in such precept for the return of such panel, be made by such sheriff or other officer, and such panel
 35 shall contain a column in which, if any of the persons named in such panel has been previously summoned and returned as a common or special juror, or as a grand juror at any general sessions of the peace, or at the sittings of oyer and terminer and general gaol delivery held at Green Street, Dublin, during the same or the two
 40 preceding years, there shall be entered on the panel opposite such person's name the date when and the court before which such person shall have been so summoned and returned as a common or special juror, as the case may be, and such panel shall be kept in

Sheriff shall apply for precepts.
 16 & 17 Vict.
 c. 113. s. 110.

A printed panel to be prepared and annexed to the abstract.
 16 & 17 Vict.
 c. 113. s. 110.

A.D. 1871. the sheriff's office of the county, and in respect of the panels for the assizes, in the office of the returning officer in Dublin, for inspection, and a printed copy of such panel shall be delivered by the sheriff or his returning officer to any party requiring the same on payment of a fee of one shilling, and a printed copy of such panel shall, in civil cases in the superior courts, be annexed to the abstract of the record for nisi prius.

Jurors to be
summoned in
rotation.

18. The sheriff or other officer, in selecting the jurors to be returned in obedience to any precept for the return of jurors, shall take the names of the jurors from the "general jurors book" or "special jurors book," according to the exigency of the precept, in a regular alphabetical series, by returning one name from each letter in succession, beginning with the first letter, and so proceeding regularly through the letters of the alphabet from first to last as often as may be necessary, and so far as the number of names in each letter will admit, until a sufficient number of names shall have been placed on the panel; and in preparing any subsequent panel for any purpose whatsoever, the sheriff or officer making the return shall commence with the letter next following that from which the last name in the preceding panel was taken, and shall proceed in like manner through the letters, taking the names of the persons not already summoned during the current or next two preceding years so far as may be necessary, until the entire "general jurors book" or "special jurors book," as the case may be, shall have been exhausted, when he shall commence or continue with the first name in such book, and shall proceed in like manner as aforesaid through the letters, so that the name of every juror shall be returned on the panels of jurors in its proper turn and order: Provided always, further, that the sheriff or other officer shall select the persons to be returned to serve as grand jurors at general sessions of the peace, or at the sittings of the courts of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, from the "special jurors book," and in case of a borough not being a county of a city or county of a town having a separate court of sessions of the peace or a court of record for the trial of civil actions from the jurors marked special on the general jurors book of such borough, and if in selecting persons to serve as grand jurors at any general sessions of the peace it shall so happen that a sufficient number of persons to serve as grand jurors at such general sessions of the peace cannot be obtained from the special jurors book, then and in that case the said sheriff or other officer shall, according to the mode of selection herein-before in this section prescribed, select from such general jurors book such further number

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of persons as with those selected from the special jurors book will be sufficient to make up the number of persons to be returned to serve as grand jurors at such general sessions of the peace, and shall select the persons to be returned to serve as petit jurors at
 5 general sessions of the peace, or in the civil bill courts, or for the trial of all issues to be tried by common jurors in any of Her Majesty's superior courts at Dublin from the "general jurors book," omitting from such selection of persons to serve as petit or common jurors all persons whose names are marked in the "general jurors
 10 book" as special jurors, as herein-before directed; and provided further that the sheriff or other officer shall, according to the mode of selection herein-before in this section prescribed, select the persons to be returned to serve as petit or common jurors at any special commission of oyer and terminer, or at the assizes, from the
 15 general jurors book, without omitting from such selection persons whose names are marked on the general jurors book as special jurors; and the special jurors to be summoned at any assizes shall not be selected until after the said sheriff or other officer shall have selected from the general jurors book the petit or common jurors
 20 for such assizes; and provided further, that the persons to be selected to serve as grand jurors or petit jurors at any general sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is holden, and if any sheriff, coroner, or other officer shall
 25 return the name of any person to serve as a juror contrary to the provision for the returning of jurors in rotation herein-before in this section contained, the court or judge before whom such person is returned to serve as a juror shall in every such case impose a fine not exceeding five pounds upon the sheriff or other officer so
 30 returning any person to serve as a juror contrary to the said provision for the returning of jurors in rotation herein-before in this section contained, and may order such fine or portion thereof to be paid to the person so returned to serve as a juror for his expenses of attending as a juror.

35 **19.** The sheriff or other officer to whom any precept shall have been issued for the return of jurors before any court shall, within one week after he has summoned or made his return of jurors in obedience to such precept, send and deliver to the clerk of the peace of the said county a true and complete copy, certified under
 40 the hand of such sheriff or officer, of the panel of jurors summoned or returned in obedience to such precept in every case in which the sheriff does not return the original panel to the clerk of the peace, and the said clerk of the peace shall place and preserve the said

Sheriff
 within one
 week after
 return of
 jurors to
 send certified
 copy of panel
 to clerk of
 peace.

A.D. 1871. copy panel along with any original panel among the records in his office.

Summoning
of jurors.

3 & 4 W. 4.
c. 91. s. 18.

Books of
summonses
to be kept.
14 & 15 Vict.
c. 57. s. 19.

20. The summons of every person to serve on any jury in any court shall be made by the proper officer, four days at least before the day on which the attendance of such person shall be required, 5 by delivering to the person to be summoned, or in case he shall be absent from his usual place of abode, by leaving with some person therein inhabiting a summons, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff 10 or other officer, previous to such summons being delivered to the bailiff or officer for service; and every bailiff or officer summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned by him, with the day on which such summons shall be served, and the manner 15 and particulars of the service thereof, and every such bailiff or officer shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be produced to the court in case of the unavoidable absence of such bailiff or officer, and in 20 case of the death, illness, or unavoidable absence of such bailiff or officer, the book of such bailiff or officer, kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be *primâ facie* evidence of the truth of the several matters entered therein as 25 aforesaid, and if any such bailiff or officer shall, without reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or cause to be produced the said book or books as herein-before provided, every 30 bailiff or officer so offending may, for every such neglect, be fined by the court in a summary way in any amount not exceeding ten pounds for each such offence, with the alternative of imprisonment in default of payment of such fine for any period not exceeding 35 seven days.

Jurors in the
county of the
city of Dub-
lin may be
summoned
by post.
25 & 26 Vict.
c. 107. s. 11.

21. Provided, that in the county of the city of Dublin jurors may be summoned as aforesaid, or in the manner following; that is to say, the sheriff or other proper officer may make out a summons as herein-before prescribed, and such summons having the words 40 “jury summons” legibly written or printed on the same side as the address, may be sent open by the post, prepaid and directed to the person so required to serve as a juror, at his place of abode, as

- described in the "general jurors book," which said summons, together with a duplicate indorsed with the name and address of the juror to whom the original summons is directed, shall be taken to the postmaster of any post office where money orders are received or
- 5 paid within such hours as shall have been previously agreed upon at such post office, and under such regulations as to the registration of such summons, *and the fee to be paid for such registration (which fee shall in no case exceed twopence over and above the ordinary rate of postage)* as shall from time to time be made by the
- 10 Postmaster General in that behalf, and in all cases *in which such fee shall have been duly paid* the postmaster shall compare the address of the said summons with that of the duplicate, and, on being satisfied that they are alike, shall forward the summons to its address by the post, and shall return the duplicate to the party
- 15 bringing the same, duly stamped with the stamp of the post office, and the production by the party who posted such summons of such stamped duplicate shall be evidence of the summons having been delivered at the dwelling-house of the person whose name and address are therein indorsed at the place mentioned in such indorse-
- 20 ment on the day on which such summons would, in the ordinary course of post, have been delivered, provided it shall appear that the same was not returned by the post office as undelivered, and any summons sent by the post office as before mentioned, and not so returned as undelivered, shall be considered in all respects as duly
- 25 served, and in the event of any person to whom any summons shall be addressed being ascertained to be dead or to have permanently left the place to which such summons is addressed, the postmaster or letter carrier of the place in which the summons shall then be shall indorse thereon the reason for the non-delivery thereof, and
- 30 forward the same in the usual course of post to the returned letter office in Dublin, in order that it may be returned to the sender: Provided always, that when any summons shall be served by post two additional days shall be allowed for the transmission of such summons by post over and above the number of days required
- 35 by law for the service of a summons before the day on which the juror is required to attend, *and any registration fees and postage paid by the said sheriff or other officer for the summoning of jurors by post, under the provisions of this Act, shall be defrayed in the same way as the expenses incurred by the clerk of the peace in the execution of this Act.*
- 40

22. If any person shall be returned as a juror in any court whose name shall be on the "general jurors book," want of qualification shall not be a cause of challenge, nor shall any challenge be taken

If name shall be on "general jurors book," no

A.D. 1871. to any panel of jurors for want of a knight being returned on such
 challenge for panel, or on the ground that the jurors, or any of them, were not
 want of qua- duly summoned, and the fact that the name of any person returned
 lification or as a common or special juror is not on the "general jurors book"
 or want of a or "special jurors book," respectively, or that such person was 5
 knight or jury duly summoned. returned to serve as a juror contrary to the provision for the
 3 & 4 W. 4. returning of jurors in rotation contained in section nineteen of this
 c. 91. s. 21. Act, shall be a good cause of challenge to any person so returned
 Name not before any court, and any such person shall be discharged upon such
 being on the challenge if the court shall be satisfied of the fact upon the pro- 10
 "general jurors book" duction of the "general jurors book" or "special jurors book"
 "good ground of challenge. respectively, or by such other evidence as the said court shall deem
 3 & 4 W. 4. sufficient, but it shall lie on the person challenging to prove the fact,
 c. 91. s. 20. and the production of the "general jurors book" or "special jurors
 book" respectively delivered to the sheriff by the clerk of the peace, 15
 shall be conclusive evidence as against all parties to any issue or
 issues, whether civil or criminal, triable in any of the Queen's courts,
 and to be tried by any jurors whose names shall have been returned
 out of any such "general jurors book" or "special jurors book,"
 that such books respectively have been duly prepared and made out 20
 in accordance with this Act, and except as aforesaid, nothing in this
 Act contained shall alter or affect any existing right of challenge
 belonging to the Crown or to the subject, in any cause, whether civil
 or criminal, and whether conferred by statute or otherwise.

Private pro- **23.** Where any bill of indictment is preferred before any court 25
 secutors to in Ireland by or on behalf of any private prosecutor, such private
 have no right prosecutor shall not upon the trial of any such indictment have the
 to have right of requiring the court to order any juror to stand by until the
 jurors order- panel shall have been gone through; and the power to order jurors to
 ed to stand stand by shall be confined to prosecutions of indictments conducted 30
 by. by or under the directions of a law officer of the Crown, or of
 counsel or solicitor acting on behalf of such law officer.

Printed copy **24.** The production of a printed copy of the Dublin Gazette,
 of the Dub- purporting to be printed and published by the Queen's authority,
 lin Gazette containing the publication of any order made under the provisions 35
 conclusive evidence of all such facts and
 evidence of order made circumstances as were or shall be necessary to authorise the issuing
 in pursuance of this Act. of any such order, and every such order shall be deemed and taken
 33 Vict. c. 9. to all intents and purposes whatsoever to have been made in pur-
 s. 21. suance of and in conformity with the provisions of this Act. 40

Precepts **25.** The clerk of the peace of any county or borough may
 may be sent forward to the clerks of union the said precepts, together with
 by registered letters.

printed copies of the second schedule of this Act and the said forms of return, by post in a registered letter having the words "jury precept" legibly written or printed on the outside, and addressed to the clerk of union, and every precept delivered or tendered as a registered letter at the address of the clerk of union to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the clerk of union to whom the same was so delivered or tendered.

A.D. 1871.
25 & 26 Vict.
c. 107. s. 4.

26. Whenever any person's name who has or occupies any counting-house, office, shop, or place of business in any county of a city or county of a town, shall be on "the general jurors book" or "the special jurors book" of any county of a city or county of a town, although such person does not actually reside in such county of a city or county of a town, and such person's name shall be also on the "general jurors book" or "the special jurors book" of the county in which such person actually resides, if such person shall desire to be exempted from the liability to serve on juries for the county in which he actually resides, and shall have obtained from the clerk of the peace of such county of a city or county of a town a certificate, in the Form F. set forth in the third schedule hereto annexed (and which certificate the said clerk of the peace is hereby required when applied to for that purpose to give to such person without fee or reward), it shall be lawful for the clerk of the peace of the county in which such person actually resides, and he is hereby required without fee or reward, on the delivery to him on or before the thirty-first day of December next, after the jurors lists for the said county shall have been revised, settled, and signed as herein-before provided, to cause an entry to be made, certified with the date thereof under his hand opposite such person's name in "the general jurors book" or "the special jurors book" of the said county, or either of the said books in which such person's name shall appear, that such person is exempted from serving as a juror under section twenty-seven of this Act; and the said clerk of the peace shall place and preserve the said certificate among the records in his office, and after the said thirty-first day of December it shall be lawful for the chairman of the county in which such person actually resides, and he is hereby required, on production to him of the said certificate at any sessions of the peace, to order the sheriff to produce "the general jurors book" and "the special jurors book" of the said county, and to order the said clerk of the peace to make in the presence of the said chairman, who shall initial the same, a like entry in the said books or either of the said books in which such person's name shall appear, and to deliver

Persons having places of business in counties of cities, towns, or boroughs, may obtain exemption from serving on juries in the counties in which they actually reside.

A.D. 1871. the said certificate to the clerk of the peace, to be preserved among the records in his office; and after any such entry shall have been made, such person shall not be summoned or returned, or liable to serve as a juror during the time for which the book in which such entry shall have been made as aforesaid shall be in use: Provided 5 further, that if the person exempted as aforesaid shall be on the special jurors book of the county in which such person actually resides, and he shall have obtained from the Clerk of the Peace of such county a certificate in the Form (G.) set forth in the third schedule to this Act, and which certificate the said Clerk of the 10 Peace is hereby required, when applied to for that purpose, to give to such person without fee or reward, it shall be lawful for the Clerk of the Peace of such county of a city or county of a town on or before the said thirty-first day of December, or for the judge pre- siding at any general sessions of the peace holden in or for such 15 county of a city or county of a town at any such sessions, to cause the name of such person to be inserted in its proper place in the special jurors book of such county of a city or county of a town; and every such insertion shall be initialed by the officer or judge making the same, and the certificate upon which it was made 20 shall be preserved by the Clerk of the Peace among the records in his office.

Power to
chairman of
courts of
quarter ses-
sions to
postpone
quarter ses-
sions, land
sessions, or
courts of
revision.

27. And whereas it is desirable in certain cases to confer upon the chairman of courts of quarter sessions a power of postponing the holding of quarter and land sessions or courts of revision beyond 25 the day appointed therefor: Be it enacted, that if, during the holding of the sessions or courts of revision in any town or place, it shall appear to the chairman that the business of the sessions or courts of revision in such town or place is not likely to be con- cluded before the time appointed for holding quarter sessions, land 30 sessions, or courts of revision in the next town or place, it shall be lawful for the chairman in open court, by writing under his hand, stating the grounds of postponement, to postpone the opening of the quarter sessions, land sessions, or court of revision in the next town or place, or all or any one or more of the succeeding towns or 35 places, to such time as he shall name in such writing, not exceeding for any town or place three days from the time originally appointed for the holding of the said sessions or revision court therein; and the time so named shall thereupon be the time for holding such sessions or court of revision to all intents and purposes as if the 40 same had been the time originally appointed therefor; and it shall be the duty of the clerk of the peace, by registered letter through the post office, to notify such postponement to the clerk of petty

sessions in such town or place wherein the holding of the sessions shall be so postponed; and the clerk of petty sessions shall forthwith, on the receipt of such letter, cause public notice of the postponement to be posted on some conspicuous part of the court-house; and the clerk of the peace shall within ten days transmit a copy of such order of postponement to the secretary of the Lord Chancellor.

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PART III.—CONSOLIDATION.

28. No justice of the peace shall be summoned or empannelled or permitted to serve as a juror at any sessions of the peace, or in any civil bill court or recorder's court, within the jurisdiction of which he is a justice.

No justice to serve as a juror within his own jurisdiction at any sessions of the peace, civil bill court, or recorder's court.

29. No jury process shall henceforth be necessary in any case whatsoever, but it shall be lawful and sufficient for the judge, or any one of the judges of any of Her Majesty's courts, before which the attendance of jurors shall be required, fifteen days at the least before the first day upon which such attendance shall be required, to issue a precept for the return of jurors under the hand of such judge to the sheriff or other officer to whom the return of jurors shall belong, and from whose bailiwick or jurisdiction the attendance of jurors shall be required; and such precept shall command the sheriff or other officer to whom the same shall be issued to summon and return, on a day to be named therein for the trial of all issues, whether civil or criminal, which may come on for trial before the said court, a sufficient number of good and lawful men of the body of the county, qualified according to law, and shall not require the same to be returned from any particular venue within the county; and whenever the attendance of special jurors shall be required before any such court, such precept shall further direct the sheriff or other officer to whom the same shall be issued, to summon and return in like manner a sufficient number to be named therein, not exceeding in country cases forty-eight in all, of good and lawful men of the body of the county, qualified according to law, to serve as special jurors; and every such sheriff or other officer shall, pursuant to such precept, and without any other authority, summon and return all such men as he shall be so required to summon, in manner herein-before provided; and the jurors whose names are contained on any such panel as aforesaid shall, subject to all just challenges and objections, be the jurors to try the causes for which they shall be summoned respectively, and all such proceedings may be heard and taken before such juries in like

3 & 4 W. 4. c. 91. s. 38.

General precept for the return of jurors.

3 & 4 W. 4. c. 91. s. 10.

16 & 17 Vict. c. 113.

ss. 109, 112.

Precept for the return of special jurors.

16 & 17 Vict. c. 113. s. 112.

16 & 17 Vict. c. 113. s. 117.

A.D. 1871. manner and with the like consequences in all respects as before the passing of this Act; but such special jury need not be summoned except notice be given as provided for by section thirty-six of this Act.

General precept for courts of common law at Dublin.
16 & 17 Vict.
c. 113. s. 111.

30. It shall be lawful and sufficient for any one judge of any 5
of the superior courts of common law at Dublin, fifteen days at
the least before the commencement of each term, to issue one
general precept for the return of jurors, under his hand, to the
sheriffs of the county of Dublin and county of the city of Dublin
respectively, commanding each of the said sheriffs respectively to 10
summon and return a sufficient number of common and special
jurors for the trial of all issues in the superior courts of common
law and Consolidated Court of Nisi Prius, which may come on for
trial in any of the said courts during such term, or the sittings after
such term, and the said sheriffs respectively shall, pursuant to such 15
precept, and without any other authority, summon and return a
sufficient number of such jurors accordingly, in manner herein-
before provided, and the men so summoned and returned shall be
qualified and liable to serve upon all juries sworn or empannelled
to try any issue or issues whatsoever which may come on for trial 20
before any of the said courts during such term, or the sittings after
such term, subject to all just challenges and objections.

Saving powers of courts to order return of jurors as heretofore.
3 & 4 W. 4.
c. 91. s. 14.

31. Nothing herein contained shall be construed to prevent the
Court of Queen's Bench, or any court of oyer and terminer, gaol 25
delivery, or court of sessions of the peace, from respectively having
and exercising the same power and authority as they may now have
and exercise in issuing any writ or precept, or in making any award
or order, orally or otherwise, for the return of a jury for the trial of
any issue before any of such courts respectively, or for the amending
or enlarging the panel of jurors returned for the trial of any such 30
issue, and the return to every such writ, precept, award, or order,
and the proceedings thereon shall be made in the manner heretofore
used and accustomed in such courts respectively, save and except
that the jurors shall be returned from the body of the county, and
not from any particular venue within the county, and shall be 35
qualified according to this Act.

Superior courts to have the power of ordering special juries to be struck before the

32. It is and shall be lawful for any of Her Majesty's superior
courts in Ireland, or for any judge of any of the said courts, upon
motion made on behalf of the Queen, or upon the motion of any
prosecutor, relator, plaintiff, defendant, or traverser in any case 40
whatsoever, whether civil or criminal, or on any penal statute
(excepting only indictments for treason or felony) depending in any

of the said courts, and the said courts and judges respectively are hereby authorised, in any of the cases before mentioned, to order and appoint a special jury to be struck before the proper officer of each respective court for the trial of any issue joined in any of the 5 said cases, and triable by a jury in such manner as herein-after directed for the striking of special juries, and every jury so struck shall be the jury returned for the trial of such issue.

A.D. 1871.
proper
officer.
3 & 4 W. 4.
c. 91. s. 23.

33. The plaintiff in any action, except for the replevin of goods, shall be entitled to have the cause tried by a special jury, upon 10 giving notice in writing to the defendant, at such time as would be necessary for a notice of trial, of his intention that the cause shall be so tried, and the plaintiff in an action for the replevin of goods, and the defendant in other cases shall be so entitled on giving the like notice at least eight days before the first day of the assizes or 15 after sittings respectively; provided that the court or a judge may at any time order that a cause shall be tried by a special jury, upon such terms as they or he shall think fit.

Mode of
obtaining a
special jury.
16 & 17 Vict.
c. 113. s. 113.

34. Where the defendant in any case, or plaintiff in an action for the replevin of goods, gives notice of his intention to try the 20 cause by a special jury, the court, or a judge, if satisfied that such notice is given for the purpose of delay, may order that the cause be tried by a common jury, or may make such other order as to the trial of the cause as such court or judge shall think fit.

Remedy for
delay by
notice of trial
by special
jury.
16 & 17 Vict.
c. 113. s. 114.

35. Where notice has been given to try by special jury, either 25 party may, eight days before the first day of the sittings in Dublin or commission day of the assizes, give notice to the sheriff that such action is to be tried by a special jury, and in case no such notice be given, or the notice has not been given in sufficient time, no special jury need be summoned or attend, and the cause may be tried by a 30 common jury, unless otherwise ordered by the court or a judge.

Notice to
sheriff of
trial by
special jury.
16 & 17 Vict.
c. 113. s. 115.

36. The person or party who shall apply for a special jury shall pay the fees for striking such special jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same upon taxation of costs 35 than such person or party would be entitled unto in case the cause had been tried by a common jury, unless the judge before whom the cause is tried shall, immediately after the trial, certify under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Costs of
special jury.
3 & 4 W. 4.
c. 91. s. 27.

40 37. A writ or clause of view shall not be necessary or used, but whether the view is to be had by a common or special jury it shall

View jury to
be by rule.
16 & 17 Vict.
c. 113. s. 116.

A.D. 1871. be sufficient to obtain a rule of the court or a judge's order directing a view to be had, and directing the sheriff to have six or more of the jurors named in the panel chosen by consent, or, if the parties cannot agree, nominated by the proper officer of the court at the place in question some convenient time before the trial; and the 5 viewers shall have the place shown to them by two persons to be named in the order, and to be appointed by the court or a judge; and the sheriff, upon request, shall deliver to either party the names of the viewers, and shall also return their names to the registrar, for the purpose of their being called as jurymen upon the trial. 10

Special
juries may
be struck
according to
old practice.
3 & 4 W. 4.
c. 91. s. 25.

38. Whenever any of Her Majesty's superior courts in Ireland, or any judge of any of the superior courts, shall order a special jury to be struck before the proper officer of such court, such officer shall appoint a time and place for the nomination of such special jury, and a copy of the rule of court and of such officer's appointment 15 shall be served on the sheriff of the county in which the trial is to be had, and also on all the parties who have usually been served with the same respectively in the accustomed manner, and the said officer at the time and place appointed being attended by such sheriff or his agent, who are hereby respectively required to bring with them "the 20 special jurors book," or a true copy thereof, signed by such sheriff, in which copy the said sheriff shall have written his initials opposite the name of every person whom he shall have previously summoned and returned to serve as a juror during the same or the two pre- 25 ceding years, and the said officer at the time and place appointed by him for that purpose shall cause the several numbers prefixed to each name (opposite to which the said sheriff shall not have written his initials) in the said "special jurors book," or the copy thereof furnished to the said officer as aforesaid, to be written on distinct pieces of parchment or cards, and shall in the presence 30 of all the parties in any of the cases aforesaid, and of their attorneys if they respectively choose to attend, or if the said parties or their attorneys, all or any of them, do not attend, then in their absence, put all the said numbers into a box to be by him provided for that purpose, and after having shaken them together, shall 35 draw out of the said box forty-eight of the said numbers, one after another, and shall, as each number is drawn, refer to the corresponding number in "the special jurors book," or said copy thereof, and read aloud the name designated by such number, and if at the 40 time of so reading any name either party or his attorney shall object that the man whose name shall have been so referred to is in any manner incapacitated from serving on the said jury, and

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shall also then and there prove the same to the satisfaction of the said officer, such name shall be set aside, and the said officer shall instead thereof draw out of the said box another number, and shall in like manner refer to the corresponding number in “the
5 special jurors book,” or said copy thereof, and read aloud the name designated thereby, which name may be in like manner set aside, and other numbers and names shall in every such case be resorted to, according to the mode of proceeding herein-before described for the purpose of supplying names in the places of those
10 set aside, until the whole number of forty-eight names not liable to be set aside shall be completed. And if in any case it shall so happen that the whole number of forty-eight names cannot be obtained from the numbers put into the said box as afore-said, then and in that case the said officer shall cause the
15 several numbers prefixed to each name (opposite which the said sheriff shall have written his initials) in “the special jurors book,” or said copy thereof, to be written on distinct pieces of parchment or card, and shall put all the said last-mentioned numbers into the said box, and after, having shaken them together shall, according
20 to the mode of proceeding herein-before described for the purpose of supplying names in the places of those set aside, draw the said numbers out of the said box until the whole number of forty-eight names not liable to be set aside shall be completed; and if in any case it shall so happen that the whole forty-eight names cannot
25 be obtained from “the special jurors book,” then and in that case the said officer shall fairly and indifferently take, according to the mode of nomination heretofore pursued in nominating special juries, such a number of names of the highest rated persons (whose names are not contained in “the special jurors book,” and opposite which
30 names the said sheriff shall not have written his initials) from “the general jurors book,” and which said “general jurors book” such sheriff is hereby required to produce if called upon to do so by such officer, as shall be required to make up the full number of forty-eight names; all and every of which forty-eight names shall in such
35 case be equally deemed and taken to be those of special jurors. And the said officer shall afterwards make out for each party a list of the forty-eight names in the order in which they shall have been drawn as aforesaid, together with their respective places of abode and additions; and all the subsequent proceedings for reducing
40 said list of forty-eight names, and all other matters whatsoever relating to special juries, shall remain and continue in force as heretofore, except where the same or any part thereof is expressly altered by this Act; and all the fees heretofore legally payable on the

A.D. 1871. striking of special juries shall continue to be paid in the accustomed manner. And it shall be lawful for the sheriff or other officer to summon and return as such special jurors any of the persons named in the said list when so reduced, although such person may have been previously during the current year, or such prescribed period as 5 herein-before mentioned, summoned and returned to serve as a juror.

Penalty on
defaulting
jurors.

3 & 4 W. 4.
c. 91. s. 32.

39. If any man having been duly summoned to attend on any jury shall not attend in pursuance of such summons, or being thrice called shall not answer to his name, or if any such man, or any 10 talesman, after having been called, shall be present but not appear, or after his appearance shall wilfully withdraw himself from the presence of the court, the court shall set such fine as the court shall think meet upon every such man or talesman making default, unless some reasonable excuse shall be proved by oath or affidavit, as the court shall think meet: Provided that where any viewer, having been duly 15 summoned to attend on any jury, shall make default as aforesaid, the court is hereby authorised and required to set upon such viewer (unless some reasonable excuse shall be proved as aforesaid) a fine to the amount of ten pounds at the least, and as much more as the court under the circumstances of the particular case shall think proper. 20

Names of
jurors to be
balloted for.
3 & 4 Vict.
c. 91. s. 19.

40. The name of each man who shall be summoned and empannelled either as a common or special juror in any court of assize or nisi prius, with the place of his abode and addition, shall be written on a distinct piece of parchment or card, being all as nearly 25 as may be of an equal size, which shall be delivered unto the clerk or registrar of the judge who is to try the cause by the sheriff or other officer returning the process, and shall, by direction and care of such clerk or registrar, be put together in a box to be provided for that purpose; and when any issue shall be brought on to be tried, such clerk or registrar shall in open court draw out twelve 30 of the said parchments or cards, one after another, after having shaken them together, or, in cases where any view shall have been directed and had as aforesaid, so many as, together with the viewers who shall appear and shall be sworn, shall be sufficient to make up the number of twelve; and if any of the men whose names shall be 35 so drawn shall not appear, or shall be challenged and set aside, then such further number, until twelve men, or such other number as, together with such viewers so appearing and sworn as aforesaid, shall make up the number of twelve, be drawn, who shall appear, and who, after all just causes of challenge allowed, shall remain as fair 40 and indifferent; and the said twelve men, and their names being marked in the panel, and they being sworn, shall be the jury to try

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the issue; and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict and the same shall be recorded, or until such jury shall, by consent of the parties or by leave of the court, be discharged, 5 and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any issue remains to be tried: Provided always, if any issue shall be brought on to be tried in any of the 10 said courts before the jury in any other issue shall have brought in their verdict or been discharged, it shall be lawful for the court to order twelve of the residue of the said parchments or cards not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in such manner as aforesaid for the trial of the issue which shall be so 15 brought on to be tried: Provided also, that when both parties shall consent thereto, the court may try any issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and re-drawn, or order the name or names of any man or men on such jury, whom 20 both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and 25 be approved as indifferent, and so toties quoties as long as any issue remains to be tried.

41. Where a full jury shall not appear before any court of assize or nisi prius in any criminal prosecution properly triable in such court or in any suit or action, or where, after appearance of a full 30 jury, by challenge of any of the parties the issue is likely to remain untaken for default of jurors, every such court, upon request made for the Queen by any one thereto authorised, or assigned by the court, in cases of such criminal prosecutions as aforesaid, or on request made by the parties, plaintiff or defendant, or their respective 35 attorneys, in any action or suit, shall command the sheriff or other officer to whom the making of the return shall belong to name and appoint, as often as need shall require, twelve other able men of the county then present; and the sheriff or other officer to whom the making of the return shall belong aforesaid, shall at such 40 command of the court return twelve such men duly qualified who shall be present or can be found to serve on such jury, and shall add and annex their names to the former panel: Provided that

Tales de
circumstanti-
bus.
3 & 4 W. 4.
c. 91. s. 28.

A.D. 1871. where a special jury shall have been struck for the trial of any issue, the talesmen shall be such as shall be upon the common jury panel to serve at the same court, if a sufficient number of such men can be found; and the names of the persons so to be named, with their additions and places of abode, shall be written on several distinct pieces of parchment or card, being all as near as may be of equal size, and shall be delivered to the clerk or registrar of the judge before whom such issue is to be tried, by the sheriff or other officer to whom the returning of such jury shall belong, and shall by the direction and care of such clerk or registrar, be rolled up as near as may be in the same manner, and put together in a box or drawer, and shaken together, and the said clerk or registrar or other indifferent person, by direction of the court, in open court, shall draw out such pieces of parchment or card, one after another, until a number shall appear which shall be sufficient, with those of the original panel who appear to make up the number of twelve, who shall be the jury to try the said issue; and the Queen, by any one so authorised or assigned as aforesaid, and all and every the parties aforesaid, shall and may, in each of the cases aforesaid respectively, have their respective challenges to the jurors so added and annexed; and the court shall proceed to the trial of every such issue with those jurors who were before empannelled, together with the talesmen so newly added and annexed, as if all the said jurors had been returned upon the precept awarded to try the issue.

Sheriff indemnified for returning names contained in "jurors books."

3 & 4 W. 4. c. 91. s. 33. Fines imposed on sheriffs and other officers for misconduct.

42. Every sheriff and other officer to whom the return of juries shall belong shall be and is hereby indemnified for empannelling and returning any man named in the "general jurors book" or "special jurors book," although he may not be qualified or liable to serve on juries; and if any sheriff or other such officer shall empanel and return any man to serve on any jury before any court (except the grand jury at any assizes), such man's name not being inserted in the "general jurors book" or "special jurors book" for the current year, or if said "general jurors book" or "special jurors book" has not been delivered, then in the "general jurors book" or "special jurors book" last delivered, or if any officer of any court shall wilfully record the appearance of any person so summoned and returned who did not really appear, in every such case the court shall, upon examination in a summary way, set such fine upon such officer so offending as the court shall think meet.

No money to be taken by any officer to excuse per-

43. No sheriff, coroner, elisor, bailiff, or other officer or person whatsoever shall, directly or indirectly, take or receive any money or other reward, or promise of money or reward, or any consideration

whatsoever, or the promise of any consideration, to excuse any man from serving or from being summoned to serve on juries, or under any such colour or pretence; and no bailiff or other officer appointed by any sheriff, coroner, or elisor to summon juries, shall summon
 5 any man to serve thereon, other than those whose names are specified in a warrant or mandate signed by such sheriff, coroner, or elisor, and directed to such bailiff or other officer; and if any sheriff, coroner, elisor, bailiff, or other officer shall wilfully transgress in
 10 any of the cases aforesaid, or shall neglect to summon any juror any number of days less than the number herein-before appointed for that purpose, the court within whose jurisdiction such offence shall have been committed may and is hereby required, on examination and proof of such offence in a summary way, to set such a fine upon every person so offending as the court shall think meet, according
 15 to the nature of the offence.

44. If any clerk of a poor law union, or any collector-general of rates for the city of Dublin, or any poor rate collector, shall refuse or neglect (unless prevented by sickness) to prepare or assist in preparing, or to deliver to the clerk of the peace, any list required
 20 by this Act, so that the same shall not be made out and delivered at the time and in the manner herein-before directed, or shall wilfully omit out of any such list the name of any man whose name ought to be inserted therein, or shall wilfully insert therein the name of any man whose name ought to be omitted therefrom, or shall take
 25 any money, reward, or promise of money or reward, or other consideration, for omitting or inserting any man whatsoever, or shall wilfully insert therein a wrong description of the name, place of abode, title, quality, calling, or business, or of the nature or amount of the qualification of any man, or shall refuse or wilfully neglect,
 30 in case the number of forms of returns delivered by the clerk of the peace shall be insufficient, to apply to the clerk of the peace for a sufficient number, so that the said lists may be made out at the time and in the manner herein-before directed, or shall, after due notice, refuse or wilfully neglect to produce any rate book or other
 35 book or document which he may be required to produce before any such court as aforesaid, or to answer on oath such questions touching the same as shall be there put, or to attend before such court or any such adjournment thereof as aforesaid, every such person offending in any of the foregoing cases shall, for every such offence, forfeit a
 40 sum not exceeding fifty pounds nor less than forty shillings, at the discretion of the court or judge before whom such offender shall be convicted.

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sons from serving.
 3 & 4 W. 4. c. 91. s. 34.
 None to be summoned but those named in the warrant.

Penalties for neglect or misconduct.

Penalties for neglect to prepare lists, &c.

3 & 4 W. 4. c. 91. s. 35.

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Penalties on
clerks of
the peace,
sheriffs, &c.
for neglect.

3 & 4 W. 4.
c. 91. s. 36.

45. If any clerk of the peace shall refuse or wilfully neglect to cause a sufficient number of precepts or forms of return to be printed in the manner herein-before directed, or shall refuse or wilfully neglect to issue and deliver to any clerk of a poor law union or collector-general within the meaning of this Act, the precepts, as herein- 5 before directed, or to annex to the same printed copies of the second schedule of this Act, or to issue and deliver with the said precept such a number of the forms of return as he shall bonâ fide deem sufficient, or to deliver to any clerk of a poor law union or collector-general such additional number thereof as he may apply for, within 10 three days after such application, or shall refuse or wilfully neglect to prepare a "general jurors book" and "special jurors book" within the time and in the manner and form herein-before prescribed, or to deliver the same to the sheriff within the time herein-before prescribed; or if any clerk of the peace or sheriff shall 15 make or cause to be made any alteration whatsoever in any "general jurors book" or "special jurors book," except in the cases herein-before provided for, or shall wilfully write or cause to be written in any "general jurors book" or "special jurors book," the name of any person whose name ought to be omitted therefrom, 20 or shall wilfully omit or cause to be omitted thereout the name of any person whose name ought to be inserted therein, or if any sheriff shall neglect or refuse to write or cause to be written and delivered the several names of the persons empannelled upon distinct pieces of parchment or card as herein-before directed, or shall refuse 25 or wilfully neglect, within ten days after the next succeeding sheriff shall have entered upon office, to deliver over to him the "general jurors books" and "special jurors books" respectively, which shall have been delivered to him by the clerk of the peace or preceding sheriff, or shall wilfully neglect or refuse, within fourteen 30 days after the commencement of any year, to deliver and return to the clerk of the peace any "general jurors book" or "special jurors book," which he is bound to return to the clerk of the peace after three years, in pursuance of the provisions of section thirteen of this Act, every such clerk of the peace or sheriff offending in any 35 of the said cases shall for every such offence forfeit the sum of one hundred pounds, *one moiety whereof shall be to the use of Her Majesty, her heirs and successors, and the other moiety,* with full costs, to any person who shall sue for the same by a personal action in any of Her Majesty's courts of record at Dublin. 40

Qualification
of jurors on

46. No man shall be summoned or empannelled to serve as a juror in any county in Ireland upon any inquest or inquiry to

be taken or made by or before any sheriff or coroner, by virtue of any writ of inquiry, or by or before any commissioner or commissioners appointed under the great seal or the seal of the Court of Exchequer, or by or before any justice, master, or other officer of any of Her Majesty's superior courts, who shall not be duly qualified according to this Act to serve as a juror upon trials at nisi prius in such county: Provided always, that nothing herein contained shall extend to term, grand juries in the Court of Queen's Bench, grand juries at assizes or at any special commission of oyer and terminer and general gaol delivery, or to any inquest of the death of any person to be taken by or before any coroner by virtue of his office, or to any inquest or inquiry to be taken or made by or before any sheriff or coroner of any liberty, franchise, city, borough, or town corporate not being counties, but that the sheriffs and coroners in all such cases to which this Act doth not extend as aforesaid, shall and may respectively take and make all inquests and inquiries by jurors of the same description as they have been used and accustomed to do before the passing of this Act.

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writs of
inquiries, &c.
3 & 4 W. 4.
c. 91. s. 40.

This Act not
to extend to
coroners
inquests.

47. If any man, having been duly summoned and returned to serve as a juror upon any inquest or inquiry before any sheriff or coroner, or before any of the commissioners aforesaid, shall not, after being openly called three times, appear, and service of such summons be duly proved, every such sheriff, and such coroner and commissioner respectively, are hereby authorised and required, unless some reasonable excuse shall be proved on oath or affidavit, to impose such fine upon every man so making default as they shall respectively think fit, not exceeding five pounds; and every such sheriff, coroner, and commissioner respectively shall make out and sign a certificate containing the Christian and surname, the residence, and trade or calling of every man so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the clerk of the peace for the place in which every such defaulter shall reside, on or before the first day of the quarter sessions next ensuing; and every such clerk of the peace is hereby required to copy the fines so certified on the record on which all fines and forfeitures imposed at such quarter sessions shall be copied, and the same shall be estreated, levied, and applied in like manner, and subject to the like powers, provisions, and penalties in all respects, as if they had been part of the fines imposed at such quarter sessions.

Sheriffs,
coroners, and
commission-
ers may fine
jurors for
non-attend-
ance.
3 & 4 W. 4.
c. 91. s. 41.

48. Notwithstanding anything herein contained, every person who shall be guilty of the offence of embracery, and every juror
[231.]

Embracery
and corrupt
jurors pun-
ishable by

A.D. 1871.

fine and imprisonment.
3 & 4 W. 4.
c. 91. s. 48.

Fines to be levied as provided by "Fines Act (Ireland), 1851."

Power to send juries to the adjoining county for the night where necessary to keep them together.

31 & 32 Vict.
c. 72. s. 4.

Power to the Lord Lieutenant and Privy Council to vary time for discharging duties connected with preparation and revision of jurors lists for first occasion after Act passed.

who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by indictment or information, and be punished by fine and imprisonment, in like manner as every such person and jurors might have been before the passing of this Act.

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49. All fines and penalties incurred or imposed under this Act by any court or judge shall be levied and recovered and applied as by "The Fines Act (Ireland), 1851," is provided.

50. Where any jury shall be empanelled and sworn to try any issue of treason or felony in any court-house of any county, which court-house shall be situate within or shall adjoin a different county, if it shall become necessary to keep such jury together for any night or nights, or for any Sunday, it shall be lawful for the court to direct that such jury shall be taken for such night or nights, or such Sunday, to any convenient place to be named by the court within such surrounding or adjoining county, and such jury in going to, remaining at, and returning from such place, shall be kept in the like custody, and treated in all respects in the same manner, and all officers intrusted with the duty of keeping such jury together shall have the same powers as if such surrounding or adjoining county formed part of the county to which such court-house shall belong.

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51. It shall be lawful for the Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, by an order to be published in the Dublin Gazette, to prescribe that a different time from that herein-before in this Act prescribed for the issuing of the precept to the clerks of unions, and for the making out and delivery by the said clerks of unions of the jurors lists, and the preparation of the special jurors lists by the clerks of the peace, and the revision of the said lists, and the preparation and delivery of the "general jurors book" and "special jurors book" to the sheriff for the first occasion of their several duties being discharged under this Act; and this Act (except so far as it relates to the steps necessary to be taken prior to such delivery of the said books) shall commence and take effect on the first day of the term next after the delivery of the said books.

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SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

ACTS and PARTS of ACTS to be repealed, so far as in the foregoing Act is declared.

5	Statute.	Title of Statute.	Extent of Repeal.
10	No. 1. 40 George 3. c. 72. (Irish).	No. 1. “An Act for the better regulation of trials by jury in the Court of King’s Bench, Common Pleas, and Exchequer, during term, and in the sittings after term.”	No. 1. The whole Act, except the 7th section.
15	No. 2. 3 & 4 William 4. c. 91.	No. 2. “An Act for consolidating and amending the laws relative to jurors and juries in Ireland.”	No. 2. The whole Act, except the 47th and 50th sections.
20	No. 3. 4 William 4. c. 8	No. 3. “An Act to amend an Act passed in the last session for consolidating and amending the laws relative to jurors and juries in Ireland.”	No. 3. The whole Act.
25	No. 4. 2 & 3 Victoria, c. 48.	No. 4. “An Act to amend two Acts of the third and fourth, and fourth and fifth years of His late Majesty King William the Fourth, for consolidating and amending the laws relative to jurors and juries in Ireland.”	No. 4. The whole Act.
30	No. 5. 3 & 4 Victoria, c. 108.	No. 5. “An Act for the regulation of municipal corporations in Ireland.”	No. 5. Section 179, so far as relates to the qualification of jurors.
35	No. 6. 8 & 9 Victoria, c. 67.	No. 6. “An Act for making further regulations for more effectually securing the correctness of the jurors books in Ireland.”	No. 6. The whole Act.
40	No. 7. 12 & 13 Victoria, c. 91.	No. 7. “An Act to provide for the collection of rates in the city of Dublin.”	No. 7. Section 87 of this Act, by which the collector-general of the city of Dublin is required to make out the lists of persons liable to serve on juries.
45			

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Statute.	Title of Statute.	Extent of Repeal.	
No. 8. 16 & 17 Victoria, c. 113.	No. 8. “An Act to amend the procedure in the superior courts of com- mon law in Ireland.”	No. 8. Section 109, section 110, section 111, section 112, section 113, section 114, 5 section 115, section 116, and section 117.	
No. 9. 31 & 32 Victoria, c. 75.	No. 9. “An Act to amend the laws re- lating to petit juries in Ire- land.”	No. 9. Section 4 of this Act.	10

SECOND SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.	
Members of Parliament.	15
Clergymen in Holy Orders and other persons who shall teach or preach in any religious congregation, and who do not follow any secular occupation except that of schoolmaster.	
Persons holding any paid, judicial, or other office belonging to any court of justice in Ireland.	20
Persons of the following professions actually practising:—	
Barristers-at-law.	
Attorneys and solicitors.	
Licensed medical practitioners.	
Apothecaries duly certified.	25
Civil engineers.	
Public notaries and actuaries entitled to grant statutable certificates.	
Professors, schoolmasters, or teachers, in any college, academy, or school.	
Persons holding any public office under Her Majesty's Government, or any public department, or under any local authority, and paid from taxes, general or local.	30
Persons licensed to sell or distribute stamps and other public officers paid by authorised fees or per-centage.	
Masters of vessels and duly licensed pilots.	
And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or local Act of Parliament.	35

THIRD SCHEDULE.

A.D. 1871.

FORM A.

PRECEPT for the RETURN of LISTS of JURORS.

(¹) [County of the city of —, county of the town of —, or borough of —, as the case may be.]

County of (¹)

5

To the Clerk of the Poor Law Union of

in the

(²) [County of the city of —, county of the town of —, or borough of —, as the case may be.]

said county of (²)

You are hereby required, on or before the first day of August in this present year, to prepare a complete and true list in writing, according to the form sent herewith, for each barony, (³) division of a barony, or other district of the said county (⁴) within the said union, of the names of all men rated for the relief of the poor within said union, who are qualified and liable to serve as jurors for the said county of (⁵), that is to say, a complete and true list for each barony, (⁶) division of a barony, or other district of the said county, (⁷) containing the name of every man between the ages of twenty-one and sixty years who resides within the said county, (⁷) or who has, or uses for the purposes of any trade or business, any counting-house, office, shop, store, or place of business within the said county, (⁸) although such man may not reside therein, provided that he reside within twelve statute miles therefrom, who is either in his own name or as a member of a firm or copartnership rated in the last rate made in said union for the relief of the poor in respect of any lands, tenements, or hereditaments situate in such barony, (⁹) division of a barony, or other district of the said county (¹⁰) within the said union of the net annual value of [thirty]* pounds or upwards, and you are required to prepare the said list in alphabetical order of surnames, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode and the place of his rated property, his title, quality, calling, or business, and the annual value of his rated property in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in preparing the said list you are to omit the names of all men who are described in the second schedule of the Juries Act (Ireland), 1871 (a copy of which schedule is annexed to this precept), and of all aliens and persons attainted or convicted of any treason or felony, or convicted of any crime that is infamous, unless having obtained a free pardon, or who are under outlawry

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(³) "Ward," in counties of cities, counties of towns, or boroughs.

(⁴) [County of the city of —, county of the town of —, or borough of —, as the case may be.]

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(⁵) [County of the city of —, county of the town of —, or borough of —, as the case may be.]

(⁶) "Ward," in counties of cities, counties of towns, or boroughs.

(⁷) County of a city, county of a town, or borough, as the case may be.

20

(⁸) County of a city, county of a town, or borough.

25

(⁹) "Ward," in counties of cities, counties of towns, or boroughs.

(¹⁰) County of a city, county of a town, or borough.

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* Insert here the amount of net annual value fixed for such county, county of a city, or county of a town or borough, as the case may be, as the proper qualification of jurors by the Fourth Schedule to this Act.

We, the undersigned collectors of poor rate, hereby declare that the true or last known place of abode, and the title, quality, calling, or business of each of the persons named in the above list are, so far as relates to each of our respective districts of collection, fully and truly stated therein.

Dated this day of , in the year .
 _____ } Collectors of Poor rate.
 _____ }

I, the undersigned clerk of union, do hereby declare that the above "General List of Jurors" has been fully and truly prepared by me from the rate books of the union, in pursuance of the provisions of the Juries Act (Ireland), 1871.

Dated this day of , in the year .
Clerk of the Union.

FORM C.

County of _____ and Poor Law Union of _____

"List of Special Jurors" for the (1) _____ in the _____

said county, prepared this day of 18 ,
by the Clerk of the Peace for said .

Con-secutive Numbers.	Surnames in alphabetical Order.	Christian Names.	Places of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Title, Quality, Calling, or Business.	Annual Value of rated Property.	Place of Property.

I, the undersigned Clerk of the Peace of the county of _____ do hereby declare that the above "List of Special Jurors" has been fully and correctly prepared by me from the "General List of Jurors" for the said barony of _____ in pursuance of the provisions of "The Juries Act (Ireland), 1871."

Dated this day of , in the year
Clerk of the Peace.

A.D. 1871.

FORM D.

(1) County of the city of
—, county of the town
of —, or borough of —,
as the case may be.

“General Jurors Book” for the (1)
year 18 .

, for the

Con- secutive Numbers.	Surnames, in alpha- betical Order.	Christian Names.	Places of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	If in “Special Jurors Book.”	Title, Quality, Calling, or Business.	Annual Value of rated Property.	Place of Property.	Returned to serve as a Juror.	
									Assizes, Sessions, or Court.	Date.

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FORM E.

(1) County of the city of
—, or county of the town
of —, as the case may be.

“Special Jurors Book” for the county of (1)
for the year 18 .

Con- secutive Numbers.	Surnames, in alphabetical Order.	Christian Names.	Places of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Title, Quality, Calling, or Business.	Annual Value of rated Property.	Place of Property.	Returned to serve as a Special Juror.	
								Assizes or Court.	Date.

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FORM F.

(1) or county of the town
of —.

County of the city of (1)

(2) [Juror.]
(3) [According as the fact
is.]

(4) [or county of the town
of —, as the case may be.]

I, the undersigned Clerk of the Peace, hereby certify
that (2) name is on “The General Jurors Book”
and “The Special Jurors Book” (3) for the said county of
the city of (4) , and that the place of abode of the
said juror is in the county of , and his
title, quality, calling, or business is that of , and
this certificate is given by me for the purpose of enabling the
said to be exempted from serving on juries in the
county of , pursuant to the provision contained in
section twenty-five of “The Juries Act (Ireland), 1871.”

Dated this day of , in the year .

____ Clerk of the Peace of .

To , Esq., Clerk of the
Peace of the county of .

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FORM G.

A.D. 1871.

County of _____, I, the undersigned Clerk of the Peace, hereby
 certify that [juror's] name is on "The Special Jurors Book"
 for the said county, and that the place of abode of the said juror is
 5 _____, in this county, and his title, quality, calling, or business is
 that of _____, and the net annual value of rated property, and
 place of the property, is as the same appears in the Special Jurors Book, is
 £ _____, at _____

Dated this _____ day of _____ in the year _____.

10 _____ Clerk of the Peace of _____.

To _____, Esq.,
 Clerk of the Peace of the county of city of _____,
 or county of the town of _____

FOURTH SCHEDULE.

15 The net annual value of the property qualification of jurors shall be as follows :

CLASS I.

In the counties of—

20 Antrim, Limerick,
 Cork, Meath,
 Down, Tipperary,
 Dublin, Westmeath, and
 Kildare, Wexford.
 25 Kilkenny,

A net annual value of £30 or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of £20 or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

CLASS II.

In the counties of—

30 Armagh, Monaghan,
 Carlow, Queen's County,
 Cavan, Roscommon,
 Clare, Sligo,
 Donegal, Tyrone,
 Fermanagh, Waterford, and
 35 Galway, Wicklow ;
 King's County, And in the county
 Kerry, of the cities of—
 Londonderry, Dublin,
 Longford, Cork,
 40 Louth, Limerick, and
 Mayo, Waterford.

A net annual value of £20 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

CLASS III.

45 In the county of Leitrim ; and in
 The county of the city of Kilkenny,
 The county of the town of Carrick-
 fergus,
 The county of the town of Drogheda,
 and
 The county of the town of Galway.

A net annual value of £15 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

[231.]

E 3

A.D. 1871.

CLASS IV.

In any borough (other than those specified above) having a separate court of sessions of the peace or a court of record for the trial of civil actions.

A net annual value of £20 or upwards in respect of lands, tenements, or hereditaments within any such borough.

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FIFTH SCHEDULE.

The net annual value of the property qualification of special jurors shall be as follows :

CLASS I.

In the counties of—

Cork, Meath,
Down, Tipperary, and
Kildare, Westmeath.
Limerick,

A net annual value of £100 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

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CLASS II.

In the counties of—

Antrim, Louth,
Armagh, Mayo,
Carlow, Monaghan,
Cavan, Queen's County,
Clare, Roscommon,
Donegal, Sligo,
Dublin, Tyrone,
Fermanagh, Waterford,
Galway, Wexford, and
Kerry, Wicklow ; and in
Kilkenny, Co. of the city of
King's County, Cork, and
Londonderry, Co. of the city of
Longford, Dublin.

A net annual value of £50 and upwards in respect of lands, tenements, or hereditaments within any of the said counties.

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CLASS III.

In the county of the city of Limerick.

A net annual value of £40 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

CLASS IV.

In the county of Leitrim,
County of the city of Waterford,
County of the city of Kilkenny,
County of the town of Carrickfergus,
County of the town of Drogheda, and
County of the town of Galway.

A net annual value of £30 or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

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Juries (Ireland). [H.L.]

A

B I L L

INTITLED

An Act to amend and consolidate the
Laws relating to Juries in Ireland.

(*Brought from the Lords 6 July 1871.*)

*Ordered, by The House of Commons, to be Printed,
7 July 1871.*

[231.]

Under 5 oz.

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B I L L

TO

Settle a Boundary within which a vote may be taken for the adoption of the Local Government Act by the District of Kingsholm in the county of Gloucester. A.D. 1871.

WHEREAS the district of Kingsholm St. Catherine in the county of Gloucester, being a district within which the Local Government Act, 1858, has been duly adopted, has interspersed within its boundaries, and immediately adjacent thereto, parts of many hamlets, townships, parishes, and extra-parochial places: And whereas a petition has been received from an area including the present district of Kingsholm St. Catherine, and the said hamlets, townships, parishes, and extra-parochial places, purporting to be a petition under the sixteenth section of the Local Government Act, for the settlement of boundaries, as set forth in the said petition, with a view to a resolution on the adoption of the Local Government Act within such boundaries, and an inspector from the Local Government Act Office has inquired into and reported on such petition, and has recommended a boundary for the purpose aforesaid, but it is doubtful whether, owing to the peculiar circumstances of the area included in such petition, Her Majesty's Secretary of State is empowered, under the powers given to him in the Local Government Act, to define such boundaries: And whereas a further petition has been received since the said inquiry, praying for an extension of the boundaries described and set out in the first petition and plan: And whereas it appears expedient that a vote on the adoption of the Local Government Act be taken within the boundaries described in the said second petition:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The boundary as described in the schedule to this Act (being the boundaries described in the said second petition) shall be taken to [Bill 185.]

Settling a
boundary
with'n which

A.D. 1871.

—
a vote may
be taken on
the adoption
of the Local
Government
Act by the
district of
Kingsholm
in the county
of Glou-
cester.

be a boundary settled in pursuance of the sixteenth section of the Local Government Act, within which a vote may legally be taken on the adoption of the Local Government Act, and the Secretary of State shall appoint a summoning officer for the purpose of such vote; and that at the expiration of two months from the date of any resolution adopting the Local Government Act for the district within the said boundaries, which shall be called the Kingsholm district, a local board, to be called the Kingsholm Local Board, shall be elected in pursuance of the Local Government Act for the parts within the said boundaries; and from and after such election the local board of Kingsholm St. Catherine shall cease and determine, and its property, debts, duties, and obligations shall be transferred to the Kingsholm Local Board: Provided always, that any rating for payment of any such debt and interest thereon shall be apportioned between the district of Kingsholm St. Catherine and the parts so added as aforesaid to the said district, in such manner as shall be settled by the Kingsholm Local Board, and approved by one of Her Majesty's Principal Secretaries of State: Provided also, that notice of public meeting for the consideration of any resolution for the adoption of the Local Government Act within the said Kingsholm district shall be given by advertisement in some journal circulated in the district, and by notice affixed in the places where public notices are usually affixed within the said district.

Act incorpo-
rated with
21 & 22 Vict.
c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

3. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Kingsholm District Act, 1871."

SCHEDULE.

- The boundaries of the district of Kingsholm in the county of Gloucester commence at the point A. (on the map of the district deposited at the Local Government Act Office) at the river Severn, and on the north-west boundary
- 5 line of the city of Gloucester, thence passing in an easterly direction along such boundary line to the point B. on the line of the Great Western Railway Company, thence easterly along and including such last-named railway to the point C., where the Asylum Lane crosses the said railway, thence in an easterly direction along and including the railway running to Cheltenham from
- 10 Gloucester to a point marked D. on the east side of a certain brook called the Abbotswood Brook, thence westerly along and including such last-named brook to the point E., where the Witcombe Brook joins the Abbotswood Brook, thence westerly along and including such last-named brook to the point F. on the north side of Sandhurst Lane, thence crossing such lane south-
- 15 westerly to the point G. on the river Severn, thence following but excluding the river Severn to the starting point at A., so completing the boundary of the District of Kingsholm.

Kingsholm District Boundary Bill.

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B I L L

To settle a Boundary within which a vote may be taken for the adoption of the Local Government Act by the District of Kingsholm in the county of Gloucester.

*(Prepared and brought in by
Mr. Winterbotham and Mr. Secretary Bruce.)*

*Ordered, by The House of Commons, to be Printed,
8 June 1871.*

[Bill 185.]

Under 1 oz.

